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Volume II

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SIXTY-EIGHTH DAY**MORNING SESSION**

Senate Chamber, Olympia, Tuesday, May 20, 1975.

The Senate was called to order at 11:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Mardesich and Murray. On motion of Senator Lewis (R. H. "Bob"), Senator Murray was excused. There being no objection, Senator Mardesich was excused.

The Color Guard, consisting of Pages Sandra Coleman and Patrick Blanchard presented the Colors. Father William T-eacy, pastor of St. Michael's Church of Olympia, offered the following prayer:

"ALMIGHTY GOD WE PAUSE TO PRAY FOR THESE LEGISLATORS BEFORE THEY BEGIN THEIR DELIBERATIONS AND THEIR SERVICE TO THE PEOPLE OF THE STATE OF WASHINGTON. THE HOURS ARE LONG. THE SESSION HAS BEEN UNUSUALLY LONG AND DRAINING ON ALL.

"MAY THEY AND ALL OF US REALIZE THE IMPORTANCE OF OUR COMMITMENTS TO EACH OTHER IN A FREE SOCIETY. WHEN THE FREEDOM AND WELFARE OF THIRTY-EIGHT AMERICANS WAS THREATENED RECENTLY, IT WAS RESTORED TO THEM AT THE PRICE OF FIVE DEAD, SIXTEEN MISSING AND SEVENTY TO EIGHTY WOUNDED. AS THESE MEMBERS OF OUR ARMED SERVICES WERE WILLING TO RISK THEIR LIVES FOR THE FREEDOM AND WELFARE OF THEIR FELLOW AMERICANS, MAY THIS LESSON REMIND US TO DO OUR PART VOLUNTARILY FOR THE COUNTRY AND THE PEOPLE WE LOVE AND ARE PRIVILEGED TO SERVE. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEES

May 20, 1975.

SECOND SUBSTITUTE HOUSE BILL NO. 93, requiring uniform jail standards (reported by Committee on Local Government):

MAJORITY recommendation: Do pass, and be re-referred to Committee on Ways and Means.

Signed by: Senators Fleming, Chairman; Jolly, McDermott, North, Sellar, Talley, Wilson.

Referred to Committee on Ways and Means.

May 16, 1975.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 212, changing the gambling laws relating to amusement games (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Buffington, Fleming, Jones, Van Hollebeke, Woody.

Passed to Committee on Rules for second reading.

May 19, 1975.

ENGROSSED HOUSE BILL NO. 265, consolidating the appropriation of teachers' retirement benefits (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson, Second Vice Chairman; Bailey, Clarke, Grant, Mardesich, Marsh, Rasmussen, Scott, Washington.

Passed to Committee on Rules for second reading.

May 19, 1975.

SUBSTITUTE HOUSE BILL NO. 427, making appropriations for highways (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Walgren, Chairman; Beck, Benitz, Bluechel, Bottiger, Guess, Jolly, Knoblauch, Morrison, Wanamaker.

Passed to Committee on Rules for second reading.

May 19, 1975.

SUBSTITUTE HOUSE BILL NO. 428, making appropriations for highways (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Walgren, Chairman; Beck, Benitz, Bluechel, Bottiger, Guess, Jolly, Knoblauch, Morrison, Wanamaker.

Passed to Committee on Rules for second reading.

May 20, 1975.

HOUSE BILL NO. 1077, relating to the state building code (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Fleming, Chairman; Jolly, McDermott, North, Sellar, Talley, Wilson.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE HOUSE

May 19, 1975.

Mr. President: The House has passed SENATE BILL NO. 2328, and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

May 19, 1975.

Mr. President: The House has passed:

ENGROSSED SENATE BILL NO. 2117,

ENGROSSED SENATE BILL NO. 2393,

ENGROSSED SUBSTITUTE SENATE BILL NO. 2517,

SENATE BILL NO. 2636,

ENGROSSED SUBSTITUTE SENATE BILL NO. 2855,

SENATE BILL NO. 2960, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

May 19, 1975.

Mr. President: The House has passed:

ENGROSSED HOUSE BILL NO. 671,

ENGROSSED HOUSE BILL NO. 778,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 845,

ENGROSSED HOUSE BILL NO. 1123,

SUBSTITUTE HOUSE BILL NO. 1178, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

May 20, 1975.

Mr. President: The Speaker has signed:

SENATE BILL NO. 2077,

SUBSTITUTE SENATE BILL NO. 2249,

SECOND SUBSTITUTE SENATE BILL NO. 2258,

SUBSTITUTE SENATE BILL NO. 2322,

SENATE BILL NO. 2411,

SENATE BILL NO. 2434,

SENATE BILL NO. 2454,

SENATE BILL NO. 2467,

SUBSTITUTE SENATE BILL NO. 2480,

SENATE BILL NO. 2509,

SENATE BILL NO. 2945, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

INTRODUCTION AND FIRST READING

ENGROSSED HOUSE BILL NO. 671, by Representatives Sommers and Randall:
Modifying timber tax revenue distribution dates.

Referred to Committee on Ways and Means.

ENGROSSED HOUSE BILL NO. 778, by Representatives Charnley and Douthwaite:

Increasing certain benefits to retirees under teachers' retirement act.

Referred to Committee on Ways and Means.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 845, by Committee on Ways and Means (originally sponsored by Representative Kilbury):

Relating to animal diagnostic laboratories.

Referred to Committee on Ways and Means.

ENGROSSED HOUSE BILL NO. 1123, by Representatives Randall, Nelson, Sommers and Smith (Rick):

Enacting new gift tax law.

Referred to Committee on Ways and Means.

SUBSTITUTE HOUSE BILL NO. 1178, by Committee on State Government (originally sponsored by Representative Sommers):

Establishing a central payroll system for state agencies.

Referred to Committee on Ways and Means.

MOTION

At 11:15 a.m., on motion of Senator Bailey, the Senate recessed until 12:30 p.m.

AFTERNOON SESSION

The President called the Senate to order at 12:30 p.m.

MOTION

At 12:32 p.m., on motion of Senator Mardesich, the Senate recessed until 1:45 p.m.

SECOND AFTERNOON SESSION

The President called the Senate to order at 1:45 p.m.

MOTION

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

SIGNED BY THE PRESIDENT

The President signed:
 SUBSTITUTE HOUSE BILL NO. 219,
 SUBSTITUTE HOUSE BILL NO. 409,
 HOUSE BILL NO. 1050,
 HOUSE BILL NO. 1075,
 SUBSTITUTE HOUSE BILL NO. 1091.

MOTION

On motion of Senator Lewis (R. H. "Bob"), Senator Buffington was excused.

SECOND READING

HOUSE BILL NO. 468, by Representatives Parker, Bagnariol, Shinpoch and Sommers:

Abolishing the state armory fund and directing revenue to state general fund.

REPORT OF STANDING COMMITTEE

April 8, 1975.

HOUSE BILL NO. 468, abolishing the state armory fund and directing revenue to the state general fund (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 13, strike "*July 1, 1977*" and insert "*July 1, 1975*".

On page 2, line 17, strike "*July 1, 1977*" and insert "*July 1, 1975*".

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson, Second Vice Chairman; Fleming, Jones, Mardesich, Marsh, Newschwander, Rasmussen, Washington, Woody.

The bill was read the second time by sections.

On motion of Senator Donohue, the committee amendments were not adopted.

On motion of Senator Donohue, the rules were suspended, House Bill No. 468 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 468, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 2; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Day, Donohue, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wana-maker, Washington, Wilson, Woody—43.

Absent or not voting: Senators Peterson, Scott—2.

Excused: Senators Buffington, Fleming, Francis, Murray—4.

HOUSE BILL NO. 468, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 184, by Committee on Higher Education (originally sponsored by Representatives Maxie, Perry, Moreau, Patterson, Peterson, Bond, Savage, Wojahn, Charnley, Nelson, Erickson, Fischer, Laughlin and Matthews):

Allowing higher education fee exemptions for residents sixty years of age or over at discretion of individual boards of trustees and regents.

The Senate resumed consideration of Engrossed Substitute House Bill No. 184. On Monday, May 19, 1975, the committee amendment was moved for adoption and an amendment by Senator Goltz to the committee amendment was adopted at that time.

Senator Lewis (Harry), moved adoption of the following amendment to the committee amendment:

On page 1, line 10, strike "sixty" and insert "18".

Debate ensued.

There being no objection, the amendment by Senator Lewis (Harry) to the committee amendment was withdrawn.

Senator Lewis (Harry) moved adoption of the following amendment to the committee amendment:

Amend the committee amendment adding a new section 2 as follows: On line 14 of the amendment, after "older" insert ": PROVIDED, That in the event classes are not filled by citizens age 60 or above, space shall be allocated to those 18 years or older".

Debate ensued.

POINT OF INQUIRY

Senator Talley: "Would Senator Lewis yield? I guess from now on we call you 'crystal clear Lewis,' is that right? I would think if I was an eighteen year old that wanted to go to college I would watch very carefully and not make any application and watch for a vacancy and then go to school for nothing."

Senator Lewis (Harry): "Senator Talley, that may or may not be the case. I certainly think, however, that if you are eighteen and if you are having difficulty in raising the funds to go to school and if you want to try to improve yourself, to improve your earning capacity and improve your ability to become a more substantial citizen of the state of Washington, that I think this Senate should consider you as well as those who are aged, and perhaps your interests are at least as important. My amendment sets a priority that those age sixty and above shall be first. I did that because I felt that it more closely suited the pleasure of those who had argued for the original bill, but I feel very strongly that if you are going to achieve the purpose of the bill, then you should not preclude those who are under sixty who could probably gain much more in terms of opportunity to support their families, opportunity to provide a better education for their children, and I would hope that you would support this amendment."

Further debate ensued.

POINT OF INQUIRY

Senator Ridder: "Would Senator Lewis yield? I am curious, Senator Lewis, as to what you would conceive of the administrative pattern in something like this. Say, if there were three seats vacant in a classroom and two were taken by senior citizens, then an eighteen year old showed up or a forty year old or fifty year old, and then a third sixty year old showed up. What would you conceive, would that be by lot or bid?"

Senator Lewis (Harry): "No. Senator Ridder, I think you can very easily set a cut off time for this procedure and those senior citizens who have not applied at that time, that would be a cut off date. From then on we could include people of any age and it is just incomprehensible to me to hear Senator Washington argue against a young farm worker in his district who would like to have the opportunity to go to Central to improve himself. I just have great difficulty understanding why that poor man trying to improve himself and his family would not have the opportunity to go if there was not a senior citizen there ahead of him. I really do not think that the procedures would be very difficult at all. We have an admissions section in every college, university, and community college. It is just a question of a simple rule or regulation and I foresee no difficulty."

Senator Ridder: "What I do hear you saying, Senator Lewis, is that our present system for educating those who are eighteen and older is inadequate then if you feel that it needs to be supplemented in this fashion rather than for those who are in their senior years."

Senator Lewis (Harry): "No, not at all, Senator Ridder. I hope you did not misunderstand what I was saying. What I was saying, let us take a situation in Centralia, in Senator Odegard's district, where you have a lot of senior citizens and maybe you have a night class at Centralia or a day class at Centralia Community College where they would have a class size of fifteen but they would only have twelve students registered for it. As I would understand the way this would work, the enrollment would be open to senior citizens who could go down and improve themselves and fill those three seats that were open, but if only two seats were filled by senior citizens, then it seems to me that Senator Odegard would want to have that seat made available to some other person who was trying to improve himself or herself and that is the purpose. I am not talking about the adequacy of our present education system at all. I am talking about the opportunity for old people as well as other people to fill those vacant seats that are suggested in this bill."

Senator Ridder: "I am afraid that I would have to interpret the intent of both this and your original amendment as indicating that you feel we are not making adequate provisions for those in the area that it is already aimed at."

Further debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Will Senator Washington yield to a question? Senator Washington, what college is in your district?"

Senator Washington: "I have Columbia Basin Community College and Central Washington College."

Senator Rasmussen: "How many vacancies are there?"

Senator Washington: "I really have no idea."

Senator Rasmussen: "Senator Goltz, do you have any idea of what vacancies we are talking about? Thank you, Senator Washington."

Senator Goltz: "I do not have a count on the number of vacancies that would occur in these classes but most classes often have one or two vacancies within them. I think the main question is, how many of these vacancies would be claimed by people either under the bill as it now stands or with the Lewis amendment, and I think there would be a significant difference between the number of spaces that would be claimed if you opened it up under the Lewis amendment and I do not think the intent of the original bill drafters and the Higher Education Committee was to open up this bill to all age groups."

Senator Rasmussen: "Thank you, Senator Goltz."

Further debate ensued.

The motion by Senator Lewis (Harry) failed and the amendment to the committee amendment was not adopted on a rising vote.

On motion of Senator Goltz, the following amendment to the committee amendment was adopted:

Amend the Committee amendment as follows: On line 7 of subsection (2) of the amendment, strike "courses" and insert "not more than two quarter or semester courses at one time".

On motion of Senator Goltz, the following amendment by Senators Goltz and Rasmussen to the committee amendment was adopted:

Amend the Committee amendment as follows: On line 9 of subsection (2) of the amendment, after "registration:" insert " PROVIDED FURTHER, That such waivers shall not be available to students who plan to use the course credits gained thereby for increasing credentials or salary schedule increases:".

The motion by Senator Goltz carried and the committee amendment, as amended, was adopted.

On motion of Senator Goltz, the rules were suspended, Engrossed Substitute House Bill No. 184, 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. 184, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 27; nays, 20; excused, 2.

Voting yea: Senators Bailey, Benitz, Bottiger, Buffington, Day, Donohue, Fleming, Goltz, Henry, Herr, Jolly, Keefe, Knoblauch, McDermott, Odegaard, Rasmussen, Ridder, Sandison, Scott, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Woody—27.

Voting nay: Senators Beck, Bluechel, Clarke, Cunningham, Gould, Grant, Guess, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, Newschwander, North, Peterson, Pullen, Sellar, Wanamaker—20.

Excused: Senators Francis, Murray—2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 184, 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.

EXPLANATION OF VOTE

An explanation of my NO vote on Engrossed Substitute House Bill No. 184.

This bill does nothing to help Senior Citizens and is a ploy to evade doing something meaningful to help this class of citizens from their financial plight like meaningful tax relief.

I voted NO rather than try to hoodwink them into thinking we are trying to help them.

Signed by: Senator C. W. "Red" Beck.

MOTION

On motion of Senator Mardesich, the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

May 19, 1975.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2253 with the following amendment:

On page 1, line 19, after "." strike down to and including "*professional*" on line 19 and insert "*Eight of the board's [nine]*", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Day, the Senate concurred in the House amendment to Engrossed Senate Bill No. 2253.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2253, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

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

Excused: Senators Francis, Murray—2.

ENGROSSED SENATE BILL NO. 2253, 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 19, 1975.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2271 with the following amendment:

On page 3, line 1, after "building" strike "or" and insert "[or] by".

On page 3, following section 1, add a new section as follows:

"*NEW SECTION.* Sec. 2. The state board of education shall prioritize the construction of common school facilities only from funds appropriated and available in the common school construction fund."

Renumber the remaining section consecutively, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Donohue, the Senate concurred in the House amendments to Engrossed Senate Bill No. 2271.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2271, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 2.

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

Absent or not voting: Senator Newschwander—1.

Excused: Senators Francis, Murray—2.

ENGROSSED SENATE BILL NO. 2271, 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 19, 1975.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2278 with the following amendment:

On page 2, beginning on line 27, after "exceed" strike "one thousand" and insert "five hundred", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

Senator Day moved that the Senate do concur in the House amendment to Engrossed Senate Bill No. 2278.

POINT OF INQUIRY

Senator Grant: "Would Senator Day yield? Can you tell me what the maximum penalty might apply to in the bill, the previous one thousand dollar maximum penalty that is now being reduced by the House amendment to five hundred?"

Senator Day: "If there were any infraction of the department regulations or standards, in lieu of a revocation or suspension of the license, they could fine the nursing home instead and before the maximum monetary penalty was one thousand dollars and the House reduced it to five hundred."

Senator Grant: "Why was it felt justified in reducing that maximum?"

Senator Day: "One of the reasons I feel that it is justified is because of our inability to properly fund what we are requiring from these people. We are going to be about eighty-four million under the funding level necessary for HEW standards. We are still keeping the freeze on, I understand. I have not seen the budget yet but it is my understanding that the freeze has not been lifted. We ourselves passed the bill which said that we would pay according to our own audited amount as far as cost is concerned, and what has happened is that the freeze has been on since four months after we passed the bill. Consequently, I do feel that the amount of one thousand dollars, and it is up to, that is the ceiling, there is nothing says the department would have fined a thousand anyway, and the House in its wisdom in passing a bill of their own and also in the budget put the limit at five hundred dollars, and in the statute here that we sent over to them they reduced it to conform to that five hundred dollar maximum."

Debate ensued.

The motion by Senator Day carried and the Senate concurred in the House amendment to Engrossed Senate Bill No. 2278.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2278, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; absent or not voting, 2; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Goltz, Gould, Grant, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wana-maker, Washington, Woody—44.

Voting nay: Senator Wilson—1.

Absent or not voting: Senators Guess, Newschwander—2.

Excused: Senators Francis, Murray—2.

ENGROSSED SENATE BILL NO. 2278, 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 Lewis (R. H. "Bob"), Senator Matson was excused.

MESSAGE FROM THE HOUSE

May 16, 1975.

Mr. President: The House has passed SENATE BILL NO. 2608 with the following amendment:

On page 2, line 6, after "to it." insert: "Any component city, town or county which contracts for the conduct of such special air pollution studies, investigations, plans, research, advice or consultation with any entity other than the activated authority shall require that such an entity consult with the activated authority.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Washington, the Senate concurred in the House amendment to Senate Bill No. 2608.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2608, 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 Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Odegard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—44.

Absent or not voting: Senators Newschwander, North—2.

Excused: Senators Francis, Matson, Murray—3.

SENATE BILL NO. 2608, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

May 16, 1975.

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 2692 with the following amendments:

On line 3 of the title, after "persons;" strike the material down to and including "RCW 19.27.070;"

On line 6 of the title, after "19.27.030;" and before "adding" insert "amending section 4, chapter 96, Laws of 1974 ex. sess. and RCW 19.27.040;"

On page 1, strike everything after the enacting clause and insert the following:

"*NEW SECTION.* Section 1. It is the intent of the legislature that, notwithstanding any law to the contrary, plans and specifications for the erection of buildings through the use of public or private funds shall make special provisions for elderly or physically disabled persons.

NEW SECTION. Sec. 2. The standards and specifications adopted under this chapter shall, as provided in this section, apply to buildings, structures, or portions thereof used primarily for group A through group H occupancies, as defined in the Washington state building code. All such buildings, structures, or portions thereof, which are constructed, substantially remodeled, or substantially rehabilitated after July 1, 1976, shall conform to the standards and specifications adopted under this chapter: *PROVIDED*, That the following buildings, structures, or portions thereof shall be exempt from this chapter:

(1) Buildings, structures, or portions thereof for which construction contracts have been awarded prior to July 1, 1976;

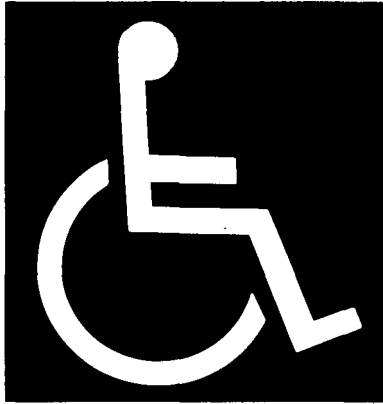
(2) Any building, structure, or portion thereof in respect to which the administrative authority deems, after considering all circumstances applying thereto, that full compliance is impracticable: *PROVIDED*, That such a determination shall be made no later than at the time of issuance of the building permit for the construction, remodeling, or rehabilitation: *PROVIDED FURTHER*, That the board of appeals provided for in section 204 of the Uniform Building Code shall have jurisdiction to hear and decide appeals from any decision by the administrative authority regarding a waiver or failure to grant a waiver from compliance with the standards adopted pursuant to sections 1 through 7 of this amendatory act. The provisions of the Uniform Building Code regarding the appeals process shall govern the appeals herein;

(3) Any building or structure used solely for dwelling purposes and which contains not more than two dwelling units;

(4) Any building or structure not used primarily for group A through group H occupancies as set forth in the Washington state building code; or

(5) Apartment houses with ten or fewer units.

NEW SECTION. Sec. 3. All buildings built in accordance with the standards and specifications provided for in this chapter, and containing facilities that are in compliance therewith, shall display the following symbol which is known as the international symbol of access.



Such symbol shall be white on a blue background and shall indicate the location of facilities designed for the physically disabled or elderly. When a building contains an entrance other than the main entrance which is ramped or level for use by physically disabled or elderly persons, a sign with the symbol showing its location shall be posted at or near the main entrance which shall be visible from the adjacent public sidewalk or way.

NEW SECTION. Sec. 4. As used in this chapter the following words and phrases shall have the following meanings unless the context clearly requires otherwise:

(1) "Administrative authority" means the building department of each county, city, or town of this state;

(2) "Substantially remodeled or substantially rehabilitated" means any alteration or restoration of a building or structure within any twelve-month period, the cost of which exceeds sixty percent of the currently appraised value of the particular building or structure;

(3) "Council" means the state building code advisory council.

NEW SECTION. Sec. 5. The state building code advisory council shall adopt minimum standards by rule and regulation for the provision of facilities in buildings and structures to accommodate the elderly, as well as physically disabled persons, which shall include but not be limited to standards for:

- (1) Ramps;
- (2) Doors and doorways;
- (3) Stairs;
- (4) Floors;
- (5) Entrances;
- (6) Toilet rooms and paraphernalia therein;
- (7) Water fountains;
- (8) Public telephones;
- (9) Elevators;
- (10) Switches and levers for the control of light, ventilation, windows, mirrors, etc;
- (11) Plaques identifying such facilities;
- (12) Turnstiles and revolving doors;
- (13) Kitchen facilities, where appropriate;
- (14) Grading of approaches to entrances;
- (15) Parking facilities;
- (16) Seating facilities, where appropriate, in buildings where people normally assemble.

NEW SECTION. Sec. 6. The council in adopting these minimum standards shall consider minimum standards adopted by both law and rule and regulation in other states: PROVIDED, That no standards adopted by the council pursuant to sections 1

through 7 of this amendatory act shall take effect until July 1, 1976. The council shall adopt such standards by majority vote pursuant to the provisions of chapter 34.04 RCW.

NEW SECTION. Sec. 7. The administrative authority of any jurisdiction may grant a waiver from compliance with any standard adopted hereunder for a particular building or structure if it determines that compliance with the particular standard is impractical: **PROVIDED**, That such a determination shall be made no later than at the time of issuance of the building permit for the construction, remodeling, or rehabilitation: **PROVIDED FURTHER**, That the board of appeals provided for in section 204 of the Uniform Building Code shall have jurisdiction to hear and decide appeals from any decision by the administrative authority regarding a waiver or failure to grant a waiver from compliance with the standards adopted pursuant to sections 1 through 7 of this amendatory act. The provisions of the Uniform Building Code regarding the appeals process shall govern the appeals herein.

Sec. 8. Section 3, chapter 96, Laws of 1974 ex. sess. and RCW 19.27.030 are each amended to read as follows:

On and after January 1, 1975, there shall be in effect in all cities, towns and counties of the state a state building code which shall consist of the following codes which are hereby adopted by reference:

(1) Uniform Building Code and Related Standards, 1973 edition, published by the International Conference of Building Officials;

(2) Uniform Mechanical Code, 1973 edition, including Chapter 22, Fuel Gas Piping, Appendix B, published by the International Conference of Building Officials and the International Association of Plumbing and Mechanical Officials;

(3) The Uniform Fire Code with appendices thereto, 1973 edition, published by the International Conference of Building Officials and the Western Fire Chiefs Association;

(4) The Uniform Plumbing Code, 1973 edition, published by the International Association of Plumbing and Mechanical Officials: **PROVIDED**, That chapter 11 of such code is not adopted: **PROVIDED**, That notwithstanding any wording in this code, nothing in this code shall apply to the installation of any gas piping, water heaters, or vents for water heaters; and

(5) [The American National Standard Specification for Making Buildings and Facilities Accessible To, and Usable By, The Physically Handicapped, published by American National Standards Institute, Inc., Document ANSI A117.1 1961 (reaffirmed 1971). This paragraph shall supplement chapter 35, Laws of 1967 and chapter 70.92 RCW with respect to public buildings] *The rules and regulations adopted by council establishing standards for making buildings and facilities accessible to and usable by the physically handicapped or elderly persons as provided for in sections 1 through 7 of this amendatory act.*

In case of conflict among the codes enumerated in subsection (1), (2), (3) and (4) of this section, the first named code shall govern over those following.

Sec. 9. Section 4, chapter 96, Laws of 1974 ex. sess. and RCW 19.27.040 are each amended to read as follows:

On and after January 1, 1975, the governing body of each city, town or county is authorized to amend the state building code as it applies within its jurisdiction in all such respects as shall be not less than the minimum performance standards and objectives enumerated in RCW 19.27.020, including, the authority to adopt any subsequent revisions to the codes in RCW 19.27.030 (1), (2), (3), and (4) [and (5)].

Nothing in this section shall authorize any modifications of the requirements of [chapter 35, Laws of 1967, or chapter 70.92 RCW] *sections 1 through 7 of this amendatory act.*

NEW SECTION. Sec. 10. The following acts or parts of acts are each hereby repealed:

- (1) Section 1, chapter 35, Laws of 1967 and RCW 70.92.010;
- (2) Section 2, chapter 35, Laws of 1967 and RCW 70.92.020;
- (3) Section 3, chapter 35, Laws of 1967 and RCW 70.92.030;
- (4) Section 4, chapter 35, Laws of 1967 and RCW 70.92.040;
- (5) Section 5, chapter 35, Laws of 1967 and RCW 70.92.050;

- (6) Section 6, chapter 35, Laws of 1967 and RCW 70.92.060;
- (7) Section 1, chapter 219, Laws of 1971 ex. sess. and RCW 70.92A.010;
- (8) Section 2, chapter 219, Laws of 1971 ex. sess. and RCW 70.92A.020;
- (9) Section 3, chapter 219, Laws of 1971 ex. sess. and RCW 70.92A.030;
- (10) Section 4, chapter 219, Laws of 1971 ex. sess. and RCW 70.92A.040;
- (11) Section 5, chapter 219, Laws of 1971 ex. sess. and RCW 70.92A.050; and
- (12) Section 11, chapter 96, Laws of 1974 ex. sess. and RCW 70.92A.060.

NEW SECTION. Sec. 11. Sections 1 through 7 of this amendatory act are each added to chapter 35, Laws of 1967 and to chapter 70.92 RCW.

NEW SECTION. Sec. 12. Sections 8, 9, and 10 of this amendatory act shall take effect July 1, 1976.", and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

MOTION

Senator Fleming moved that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 2692.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Fleming yield to a question? Did I hear you say, Senator, that we were going to follow the lead of North Carolina?"

Senator Fleming: "No, Senator, what I said was the bill that we adopted, when it left the House here was basically the same as the North Carolina law, the same as the federal government is acting on now, and so what I was saying is, this would give them an opportunity to establish rules and regulations as they might compare, compare them with other states. See, we cannot refer to another state's law because this has not been adopted nationally."

Senator Rasmussen: "Thank you, Senator. You had me just a little frightened; you are getting down awful far south. We might be taking Governor Wallace's advice pretty soon."

The motion by Senator Fleming carried and the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 2692.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2692, 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 Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wana-maker, Wilson, Woody—44.

Absent or not voting: Senators Newschwander, Washington—2.

Excused: Senators Francis, Matson, Murray—3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2692, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

May 16, 1975.

Mr. President: The House has passed Reengrossed Senate Bill No. 2385 with the following amendments:

On page 1, line 16 of the engrossed bill, being the Senate amendment to line 15 of the printed bill, after "to" strike "such".

On page 1, line 16 of the engrossed bill, being line 15 of the printed bill, after "lands" insert "*within the area described in RCW 76.14.020*", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Peterson, the Senate concurred in the House amendments to Reengrossed Senate Bill No. 2385.

ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Senate Bill No. 2385, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

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

Excused: Senators Francis, Matson, Murray—3.

REENGROSSED SENATE BILL NO. 2385, 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 19, 1975.

Mr. President: The House has passed SENATE BILL NO. 2071 with the following amendments:

On page 1, line 10, after "traveled," strike "[two] *three*" and insert "two".

On page 2, line 12, after "[two]" strike "*three*" and insert "*one*".

On page 2, beginning on line 12, after "page and" strike "[one] *two* dollars" and insert "[one dollar] *fifty cents*".

On page 2, beginning on line 31, after "found," strike "[two] *three* dollars and *fifty cents*" and insert "two dollars".

On page 2, line 34, after "mileage" insert ";" and add a new paragraph as follows:

"*For conducting sale of personal property pursuant to exemption or order of sale, five dollars*", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Bottiger, the Senate concurred in the House amendments to Senate Bill No. 2071.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2071, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

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

Excused: Senators Francis, Matson, Murray—3.

SENATE BILL NO 2071, 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 19, 1975.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2466 with the following amendments:

On line 1 of the title after "works;" and before "amending" delete "and".

On line 3 of the title after "RCW 60.28.010" and before the period insert "and amending section 2, chapter 166, Laws of 1921 as last amended by section 2, chapter 38, Laws of 1970 ex. sess. and RCW 60.28.020".

On page 2, line 6, strike "entire contract" and insert "[entire contract] moneys earned by the contractor".

On page 3, following line 10, add a section to read as follows:

"Sec. 2. Section 2, chapter 166, Laws of 1921 as last amended by section 2, chapter 38, Laws of 1970 ex. sess. and RCW 60.28.020 are each amended to read as follows:

After the expiration of the thirty day period, and after receipt of the department of revenue's certificate, and the public body is satisfied that the taxes certified as due or to become due by the department of revenue are discharged, and the claims of materialmen and laborers who have filed their claims, together with a sum sufficient to defray the cost of foreclosing the liens of such claims, and to pay attorneys' fees, have been paid, the public body shall pay to the contractor the fund retained by it or release to the contractor the securities and bonds held in escrow.

If such taxes have not been discharged or the claims, expenses, and fees have not been paid, the public body shall [(1) deduct such taxes and such claims, expenses and fees from the fund retained by it and pay the remainder, if any, to the contractor; or (2) order the securities and bonds held in escrow to be reconverted to money and returned to the public body who shall deduct such taxes and such claims, expenses, and fees from such sum and pay the remainder, if any, to the contractor] *either retain in its fund, or in an interest bearing account, or retain in escrow, at the option of the contractor, an amount equal to such unpaid taxes and unpaid claims together with a sum sufficient to defray the costs and attorney fees incurred in foreclosing the lien of such claims, and shall pay, or release from escrow, the remainder to the contractor.*", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Woody, the Senate concurred in the House amendments to Engrossed Senate Bill No. 2466.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2466, 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 Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Gould, Grant, Guess, Henry, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—44.

Absent or not voting: Senators Goltz, Herr, Sellar—3.

Excused: Senators Francis, Murray—2.

ENGROSSED SENATE BILL NO. 2466, 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, Engrossed Substitute House Bill No. 40 was ordered placed at the end of today's second reading calendar.

On motion of Senator Washington, Engrossed House Bill No. 733 was made a special order of business for 2:00 p.m., Wednesday, May 21, 1975.

SECOND READING

ENGROSSED HOUSE BILL NO. 619, by Representatives Bagnariol, Perry, Nelson, Wojahn, Moreau, Bond, Peterson, Charnley, Patterson, Clemente and Savage:

Mandating availability of materials on abuses of alcohol in public premises where sold or consumed on campuses of institutions of higher education.

The Senate resumed consideration of Engrossed House Bill No. 619. On motion of Senator Sandison on Monday, May 19, 1975, the Senate moved to reconsider adoption of the committee amendment. On that day, an amendment by Senator Pullen was adopted and an amendment by Senators Pullen, Day, Guess, Washington, Lewis (Harry) and Rasmussen to the committee amendment was moved for adoption and a point of order by Senator Goltz was raised. Engrossed House Bill No. 619 was held for a Ruling by the President.

There being no objection, on motion of Senator Pullen, the amendment by Senators Pullen, Day and others to the committee amendment was withdrawn.

Senator Pullen moved adoption of the following amendment to the committee amendment:

At the end of the committee amendment add a new section to read as follows:

"Section 3. Section 1, chapter 75, Laws of 1895, section 1, chapter 49, Laws of 1933 ex. sess., section 1, chapter 120, Laws of 1951, section 1, chapter 21, Laws of 1967 and RCW 66.44.190 are each amended to read as follows:

It shall be unlawful to sell any intoxicating liquors, with or without a license on the grounds of [the University of Washington, otherwise known and described as follows: Fractional section 16, township 25 north, range 4 east of Willamette Meridian] any college, university, or community college supported in whole or in part by state funds unless such college, university, or community college shall have available and on display educational materials on the abuses of alcohol and the illnesses consequent therefrom, and then only to the extent allowed under banquet permits issued pursuant to RCW 66.24.490 as it now exists or is hereafter amended."

POINT OF ORDER

Senator Herr: "Mr. President, I question the scope and object of the amendment."

MOTION

On motion of Senator Lewis (Harry), Engrossed House Bill No. 619, together with the pending committee amendment, as amended, the amendment by Senator Pullen and the point of order by Senator Herr, was held following consideration of Senate Bill No. 2535 pending a Ruling by the President.

Senators Mardesich, Herr 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 Senators Francis and Murray who were previously excused.

MOTION

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

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Senate Bill No. 2280.

SECOND READING

SENATE BILL NO. 2280, by Senators Walgren, Bailey, North, Beck, Talley, Fleming, Sellar, Lewis (R. H. "Bob"), Ridder, Jolly, Goltz, Morrison, Gould, Day, Henry, Stortini, Wanamaker and Washington:

Pertaining to financing municipal transportation systems.

MOTIONS

On motion of Senator Walgren, Substitute Senate Bill No. 2280 was substituted for Senate Bill No. 2280 and the substitute bill was placed on second reading and read the second time in full.

Senator Walgren moved adoption of the following amendment by Senators Walgren and Bottiger:

On page 1, strike everything after the enacting clause and insert the following:

"Section 1. Section 7, chapter 255, Laws of 1969 ex. sess. and RCW 35.58.272 are each amended to read as follows:

"Municipality" as used in RCW 35.58.272 through 35.58.279, *as now or hereafter amended, and in sections 7 through 26 of this 1975 amendatory act*, means any metropolitan municipal corporation which shall have been authorized to perform the function of metropolitan public transportation: *any county performing the public transportation function as authorized by sections 10 and 11 of this amendatory act or which has established a county transportation authority pursuant to chapter 36.57 RCW; any public transportation benefit area established pursuant to sections 12 through 26 of this amendatory act; and any city, which is not located within the boundaries of [such] a metropolitan municipal corporation, county transportation authority, or public transportation benefit area, and which owns, operates or contracts for the services of a publicly owned or operated system of transportations: PROVIDED, That the term "municipality" shall mean in respect to any county performing the public transportation function pursuant to sections 10 and 11 of this amendatory act only that portion of the unincorporated area lying wholly within such unincorporated transportation benefit area.*

"Motor vehicle" as used in RCW 35.58.272 through 35.58.279, *as now or hereafter amended*, shall have the same meaning as in RCW 82.44.010.

"County auditor" shall mean the county auditor of any county or any person designated to perform the duties of a county auditor pursuant to RCW 82.44.140.

"Person" shall mean any individual, corporation, firm, association or other form of business association.

Sec. 2. Section 13, chapter 255, Laws of 1969 ex. sess. as amended by section 1, chapter 54, Laws of 1974 ex. sess. and RCW 35.58.278 are each amended to read as follows:

Distribution of the special excise taxes paid into the general fund on behalf of any municipality shall be made to such municipality as provided in RCW 82.44.150, *as now or hereafter amended*.

[This section shall expire on June 30, 1981.]

Sec. 3. Section 2, chapter 11, Laws of 1965 ex. sess. as last amended by section 2, chapter 255, Laws of 1969 ex. sess. and RCW 35.95.020 are each amended to read as follows:

The following terms however used or referred to in this chapter, shall have the following meanings, unless a different meaning is required by the context:

(1) "Corporate authority" shall mean the council or other legislative body of a municipality.

(2) "Municipality" shall mean any incorporated city [of the first, second or third class in the state], town, county pursuant to sections 10 and 11 of this amendatory act, any county transportation authority created pursuant to chapter 36.57 RCW, any public transportation benefit area created pursuant to sections 12 through 26 of this amendatory act, or any metropolitan municipal corporation created pursuant to RCW 35.58.010, et seq: *PROVIDED, That the term "municipality" shall mean in respect to any county performing the public transportation function pursuant to sections 10 and 11 of this amendatory act only that portion of the unincorporated area lying wholly within such unincorporated transportation benefit area.*

(3) "Person" shall mean any individual, firm, partnership, corporation, company, association, joint stock association, school district or political subdivision of the state, fraternal, benevolent, religious or charitable society, club or organization, and shall include any trustee, receiver, assignee, or other person acting in a similar representative capacity. The term "person" shall not be construed to include the United States nor the state of Washington.

Sec. 4. Section 4, chapter 111, Laws of 1965 ex. sess. and RCW 35.95.040 are each amended to read as follows:

The corporate authorities of a municipality are authorized to adopt ordinances for the levy and collection of excise taxes and/or for the imposition of an additional tax for the act or privilege of engaging in business activities. Such business and occupation tax shall be imposed in such amounts as fixed and determined by the corporate authorities of the municipality and shall be measured by the application of rates against value of products, gross proceeds of sales, or gross income of the business, as the case may be. The terms "business", "engaging in business", "gross proceeds of sales", and "gross income of the business" shall for the purpose of this chapter have the same meanings as defined and set forth in chapter 82.04 RCW or as said chapter may hereafter be amended.

The excise taxes other than the business and occupation tax above provided for shall be levied and collected from all persons within the municipality [who are served and billed for any one or more public utility services owned and operated by such municipality] in such amounts as shall be fixed and determined by the corporate authorities of the municipality: *PROVIDED, That such excise tax shall not exceed one dollar per month for each housing unit. For the purposes of this section, the term "housing unit" shall mean a building or portion thereof designed for or used as the residence or living quarters of one or more persons living together, or of one family.*

All taxes herein authorized shall be taxes other than a retail sales tax defined in chapter 82.08 RCW and a use tax defined in chapter 82.12 RCW, and the municipality shall appropriate and use the proceeds derived from all taxes authorized herein only for the operation, maintenance and capital needs of its municipally owned or leased and municipally operated public transportation system.

Before any county transportation authority established pursuant to chapter 36.57 RCW or any public transportation benefit area authority established pursuant to sections 12 through 26 of this amendatory act may impose any of the excise taxes authorized pursuant to this section, the authorization for imposition of such taxes shall be approved by the voters residing within such respective area.

The county on behalf of an unincorporated transportation benefit area established pursuant to section 10 and 11 of this amendatory act may impose any of the excise taxes authorized pursuant to this section only within the boundaries of such unincorporated transportation benefit area.

Sec. 5. Section 4, chapter 167, Laws of 1974 ex. sess. and RCW 36.57.040 are each amended to read as follows:

Every county transportation authority created to perform the function of public transportation pursuant to RCW 36.57.020 shall have the following powers:

(1) To prepare, adopt, carry out, and amend a general comprehensive plan for public transportation service.

(2) To acquire by purchase, condemnation, gift or grant and to lease, construct, add to, improve, replace, repair, maintain, operate and regulate the use of any transpor-

tation facilities and properties, including terminal [and] parking facilities *and inter-modal transportation centers*, together with all lands, rights of way, property, equipment and accessories necessary for such systems and facilities.

(3) To fix rates, tolls, fares and charges for the use of such facilities and to establish various routes and classes of service.

(4) In the event a county transit authority shall extend its transportation function to any area in which service is 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 may acquire by purchase or condemnation 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, or it may contract with such person or corporation to continue to operate such service or any part thereof for time and upon such terms and conditions as provided by contract.

(5) (a) To contract with the United States or any agency thereof, any state or agency thereof, any metropolitan municipal corporation, any other county, city, special district, or governmental agency and any private person, firm or corporation for the purpose of receiving gifts or grants or securing loans or advances for preliminary planning and feasibility studies, or for the design, construction, operation, or maintenance of transportation facilities; and

(b) To contract with any governmental agency or with any private person, firm or corporation for the use by either contracting party of all or any part of the facilities, structures, lands, interests in lands, air rights over lands and rights of way of all kinds which are owned, leased or held by the other party and for the purpose of planning, constructing or operating any facility or performing any service related to transportation which the county is authorized to operate or perform, on such terms as may be agreed upon by the contracting parties: PROVIDED, That before any contract for the lease or operation of any transportation facilities shall be let to any private person, or firm or corporation, competitive bids shall first be called for and contracts awarded in accord with the procedures established in accord with RCW 36.32.240, 36.32.250, and 36.32.270.

(6) In addition to all other powers and duties, an authority shall have the power to own, construct, purchase, lease, add to, and maintain any real and personal property or property rights necessary for the conduct of the affairs of the authority. An authority may sell, lease, convey or otherwise dispose of any authority real or personal property no longer necessary for the conduct of the affairs to the authority. An authority may enter into contracts to carry out the provisions of this section.

Sec. 6. Section 2, chapter 296, Laws of 1971 ex. sess. and RCW 82.14.045 are each amended to read as follows:

(1) The [governing body upon written request by the mayor or other executive officer of any city within a class AA county, a class AA county or any metropolitan municipal corporation within a class AA county] *legislative body of any city pursuant to RCW 35.92.060, of any county which has created an unincorporated transportation benefit area pursuant to sections 10 and 11 of this amendatory act, of any public transportation benefit area pursuant to sections 19 and 20 of this amendatory act, of any county transportation authority established pursuant to chapter 36.57 RCW, and of any metropolitan municipal corporation within a class AA county pursuant to chapter 35.58 RCW*, while not required by legislative mandate to do so, may, by resolution or ordinance for the sole purpose of providing funds for the operation, maintenance or capital needs of public transportation systems and in lieu of the excise taxes authorized by RCW 35.95.040, as now or hereafter amended, 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, fix and impose a sales and use tax in accordance with the terms of this chapter [to be effective on or after July 1, 1972: 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 this 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, ex. sess., Laws of 1969]: *PROVIDED, That where such a proposition is submitted by a county on behalf of an unincorporated transportation benefit area, it shall be voted upon by the voters residing within the boundaries of such unincorporated transportation benefit area and, if approved, the sales and use tax shall be imposed only within such area. Notwithstanding any provisions of this section to the contrary, any county in which a county public transportation plan has been adopted pursuant to RCW 36.57.070 and the voters of such county have authorized the imposition of a sales and use tax pursuant to the provisions of RCW 82.14.047, section 10, chapter 167, Laws of 1974 ex. sess., prior to the effective date of this 1975 amendatory act, shall be authorized to fix and impose a sales and use tax as provided in this section at not to exceed the rate so authorized without additional approval of the voters of such county as otherwise required by this section.*

[Such] The tax authorized pursuant to this section shall be in addition to the tax authorized by RCW 82.14.030 and shall be collected from those persons who are taxable by the state pursuant to chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within such city, public transportation benefit area, county, or metropolitan municipal corporation as the case may be. The rate of such tax [imposed by such city, county or metropolitan municipal corporation] shall be *one-tenth, two-tenths, or three-tenths of one percent of the selling price (in the case of a sales tax) or value of the article used (in the case of a use tax) and shall not exceed the rate authorized in the proposition approved by the voters unless such increase shall be similarly approved* [*PROVIDED, HOWEVER, That*].

(2)(a) *In the event a metropolitan municipal corporation shall impose a sales and use tax pursuant to this chapter no city, county which has created an unincorporated transportation benefit area, public transportation benefit area authority, or county transportation authority wholly [or partly] within such metropolitan municipal corporation shall [impose a sales and use tax pursuant to this chapter] be empowered to levy and/or collect taxes pursuant to RCW 35.58.273, 35.95.040 and/or 82.14.045, as now or hereafter amended, but nothing herein shall prevent such city or county from imposing sales and use taxes pursuant to any other authorization* [*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*].

(b) *In the event a county transportation authority shall impose a sales and use tax pursuant to this section, no city, county which has created an unincorporated transportation benefit area, public transportation benefit area, or metropolitan municipal corporation, located within the territory of the authority, shall be empowered to levy or collect taxes pursuant to RCW 35.58.273, 35.95.040, or 82.14.045, as now or hereafter amended.*

(c) *In the event a public transportation benefit area shall impose a sales and use tax pursuant to this section, no city, county which has created an unincorporated transportation benefit area, or metropolitan municipal corporation, located wholly or partly within the territory of the public transportation benefit area, shall be empowered to levy or collect taxes pursuant to RCW 35.58.273, 35.95.040 or 82.14.045, as now or hereafter amended.*

(3) *Any local sales and use tax revenue collected pursuant to this section by any city or by any county for transportation purposes pursuant to sections 10 and 11 of this amendatory act shall not be counted as locally generated tax revenues for the purposes of apportionment and distribution, in the manner prescribed by chapter 82.44 RCW, as now or hereafter amended, of the proceeds of the motor vehicle excise tax authorized pursuant to RCW 35.58.273, as now or hereafter amended.*

Sec. 7. Section 8, chapter 167, Laws of 1974 ex. sess. and RCW 36.57.080 are each amended to read as follows:

On the effective date of the proposition approved by the voters in accord with RCW [82.14.047] 35.95.040 or 82.14.045, as now or hereafter amended, the authority shall

have and exercise all rights with respect to the construction, acquisition, maintenance, operation, extension, alteration, repair, control and management of passenger transportation which the county or any city located within such county shall have been previously empowered to exercise and such powers shall not thereafter be exercised by the county or such cities without the consent of the authority. The county and all cities within such county upon demand of the authority shall transfer to the authority all unexpended funds earmarked or budgeted from any source for public transportation, including funds receivable. The county in which an authority is located shall have the power to contract indebtedness and issue bonds pursuant to chapter 36.67 RCW to enable the authority to carry out the purposes of this chapter and [RCW 82.14.047] 35.95.040 or 82.14.045, as now or hereafter amended, and the purposes of this chapter and [RCW 82.14.047] 35.95.040 or 82.14.045, as now or hereafter amended, shall constitute a "county purpose" as that term is used in chapter 36.67 RCW.

NEW SECTION. Sec. 8. There is added to chapter 35.58 RCW a new section to read as follows:

In addition to any other authority now provided by law, and subject only to constitutional limitations, the governing body of any municipality shall be authorized to acquire, construct, operate, and maintain a public transportation system and additions and betterments thereto, which may include, but not be limited to, an intermodal transportation center, and to issue general obligation bonds for public mass transportation capital purposes including but not limited to replacement of equipment: **PROVIDED,** That the general indebtedness incurred under this section when considered together with all the other outstanding general indebtedness of the municipality shall not exceed the amounts of indebtedness authorized by chapter 39.36 RCW and chapter 35.58 RCW, as now or hereafter amended, to be incurred without and with the assent of the voters.

Upon the effective date of this 1975 amendatory act any such municipality is authorized to pledge that the taxes authorized, levied and collected to pay or secure the payment of any bonds issued after such effective date for authorized public transportation purposes shall continue to be levied, collected and applied until such bonds shall have been paid or sufficient funds for such payment shall have been duly provided and irrevocably set aside by the issuer for such payment. If any of the revenue from any tax or surcharge authorized by this or any other chapter shall have been pledged to secure the payment of any bonds as herein authorized, then as long as that pledge shall be in effect the legislature shall not withdraw the authority to levy and collect the tax. Any municipality is authorized to pledge for the payment or security of the principal of and interest on any bonds issued for authorized public transportation purposes all or any portion of any taxes authorized to be levied by the issuer, including, but not limited to, the local sales and use tax authorized pursuant to RCW 82.14.045 and section 6 of this 1975 amendatory act, as now or hereafter amended, and not more than ten percent of the motor vehicle excise taxes levied and collected pursuant to RCW 35.58.273: **PROVIDED,** That such ten percent limitation shall not apply to any bonds outstanding on the effective date of this 1975 amendatory act.

NEW SECTION. Sec. 9. There is added to chapter 35.58 RCW a new section to read as follows:

Any city, county, public transportation benefit area authority, county transportation authority, or metropolitan municipal corporation operating a public transportation system shall be authorized to conduct, contract for, participate in and support research, demonstration, testing and development of public transportation systems, equipment and use incentives and shall have all powers necessary to comply with any criteria, standards, and regulations which may be adopted under the urban mass transportation act (78 Stat. 302 et seq., 49 U.S.C. 1601 et seq.) and to take all actions necessary to meet the requirements of that act. Any county in which a county transportation authority or public transportation benefit area shall have been established and any metropolitan municipal corporation which shall have been authorized to perform the function of metropolitan public transportation shall have, in addition to such powers, the authority to prepare, adopt and carry out a comprehensive transit plan and to make such other plans and studies and to perform such programs as the governing body of the county authority

public transportation benefit area authority or metropolitan municipal corporation shall deem necessary to implement and comply with said federal act.

NEW SECTION. Sec. 10. There is added to chapter 36.57 RCW and new section to read as follows:

Every county, except a county in which a metropolitan municipal corporation is performing the public transportation function as of the effective date of this 1975 amendatory act, is authorized to perform such function in such portions of the unincorporated areas of the county, except within the boundaries of a public transportation benefit area established pursuant to sections 12 through 26 of this amendatory act, as the county legislative body shall determine and the county shall have those powers as are specified in RCW 36.57.040 with respect to the provision of public transportation as is authorized pursuant to RCW 36.57.040.

NEW SECTION. Sec. 11. There is added to chapter 36.57 RCW a new section to read as follows:

The legislative body of any county is hereby authorized to create and define the boundaries of unincorporated transportation benefit areas within the unincorporated areas of the county, following school district or election precinct lines, as far as practicable. Such areas shall include only those portions of the unincorporated area of the county which could reasonably assume to benefit from the provision of public transportation services.

NEW SECTION. Sec. 12. For the purposes of this chapter the following definitions shall apply:

(1) "Public transportation benefit area" means a municipal corporation of the state of Washington created pursuant to this chapter.

(2) "Public transportation benefit area authority" or "authority" means the legislative body of a public transportation benefit area.

(3) "City" means an incorporated city or town.

(4) "Component city" means an incorporated city or town within a public transportation benefit area.

(5) "City council" means the legislative body of any city or town.

(6) "County legislative body" means the board of county commissioners or the county council.

(7) "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 by the office of program planning and fiscal management.

(8) "Public transportation service" means the transportation of packages, passengers and their incidental baggage by means other than by chartered bus, sight-seeing bus, 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 shall prohibit an authority from leasing its buses to private certified carriers or prohibit the authority from providing school bus service.

(9) "Public transportation improvement conference" or "conference" shall mean the body established pursuant to section 13 of this amendatory act which shall be authorized to establish a public transportation benefit area pursuant to the provisions of this chapter.

NEW SECTION. Sec. 13. The county legislative authority of every county except any class AA county shall, within ninety days of the effective date of this 1975 amendatory act, and as often thereafter as it deems necessary, and upon thirty days prior written notice addressed to the legislative body of each city within the county and with thirty days public notice, convene a public transportation improvement conference to be attended by an elected representative selected by the legislative body of each city, within such county, and by the county commissioners. Such conference shall be for the purpose of evaluating the need for and the desirability of the creation of a public transportation benefit area within certain incorporated and unincorporated portions of the county to provide public transportation services within such area. In those counties where county officials believe the need for public transportation service extends across county boundaries so as to provide public transportation service in a metropolitan area,

the county legislative bodies of two or more neighboring counties may elect to convene a multi-county conference. Further conferences may be convened by the county legislative authority, not to exceed one in any twelve month period, or by a resolution of the legislative bodies of two or more component cities, not to exceed one in any twelve month period, or a petition signed by at least ten percent of the registered voters in the last general election of the city, county or city/county areas of the proposed benefit area. The chairman of the conference shall be elected from the members at large.

NEW SECTION. Sec. 14. Any conference which finds it desirable to establish a public transportation benefit area or change the boundaries of any existing public transportation benefit area shall fix a date for a public hearing thereon, or the legislative bodies of any two or more component cities or the county legislative body by resolution may require the public transportation improvement conference to fix a date for a public hearing thereon. Prior to the convening of the public hearing, the county governing body shall delineate the area of the county proposed to be included within the transportation benefit area, and shall furnish a copy of such delineation to each incorporated city within such area. Each city shall advise the county governing body, on a preliminary basis, of its desire to be included or excluded from the transportation benefit area. The county governing body shall cause the delineations to be revised to reflect the wishes of such incorporated cities. This delineation shall be considered by the conference at the public hearing for inclusion in the public transportation benefit area.

Notice of such hearing shall be published once a week for at least four consecutive weeks in one or more newspapers of general circulation within the area. The notice shall contain a description and map of the boundaries of the proposed public transportation benefit area and shall state the time and place of the hearing and the fact that any changes in the boundaries of the public transportation benefit area will be considered at such time and place. At such hearing or any continuation thereof, any interested person may appear and be heard on all matters relating to the effect of the formation of the proposed public transportation benefit area.

The conference may make such changes in the boundaries of the public transportation benefit area as they shall deem reasonable and proper, but may not delete any portion of the proposed area which will create an island of included or excluded lands, and may not delete a portion of any city. If the conference shall determine that any additional territory should be included in the public transportation benefit area, a second hearing shall be held and notice given in the same manner as for the original hearing. The conference may adjourn the hearing on the formation of a public transportation benefit area from time to time not exceeding thirty days in all.

At the next regular meeting following the conclusion of such hearing the conference shall adopt a resolution fixing the boundaries of the proposed public transportation benefit area, declaring that the formation of the proposed public transportation benefit area will be conducive to the welfare and benefit of the persons and property therein.

Within thirty days of the adoption of such conference resolution, the county legislative authority of each county wherein a conference has established proposed boundaries of a public transportation benefit area, may by resolution, upon making a legislative finding that the proposed benefit area includes portions of the county which could not be reasonably expected to benefit from such benefit area or excludes portions of the county which could be reasonably expected to benefit from its creation, disapprove and terminate the establishment of such public transportation benefit area within such county.

NEW SECTION. Sec. 15. At the time of its formation no public transportation benefit area shall include only a part of any city, and every city shall be either wholly included or wholly excluded from the boundaries of such area. If subsequent to the formation of a public transportation benefit area a part only of any city shall be included within the boundaries of a public transportation benefit area such part shall be deemed to be "unincorporated" for the purpose of selecting a member of the governing authority pursuant to section 16 of this amendatory act.

The boundaries of any public transportation benefit area shall follow school district lines or election precinct lines, as far as practicable. Only such areas shall be included which the conference determines could reasonably benefit from the provision of public

transportation services. Only one public transportation benefit area may be created in any county.

NEW SECTION. Sec. 16. Within sixty days of the establishment of the boundaries of the public transportation benefit area the county commissioners and elected representatives of cities within the area shall provide for the selection of the governing body of such area, the public transportation benefit area authority, which shall consist of elected officials selected by and serving at the pleasure of the governing bodies of component cities within the area and the county commissioners of each county within the area.

Within such sixty-day period, the legislative body of any city may by resolution of its legislative body withdraw from participation in the public transportation benefit area. The county legislative authority and each city remaining in the public transportation benefit area may disapprove and prevent the establishment of any governing body of a public transportation benefit area if the composition thereof does not meet its approval.

In no case shall the governing body of a single county public transportation benefit area be greater than nine members and in the case of a multi-county area, fifteen members. Those cities within the transportation benefit area and excluded from direct membership on the authority are hereby authorized to designate a member of the authority who shall be entitled to represent the interests of such city which is excluded from direct membership on the authority. The legislative body of such city shall notify the authority as to the determination of its authorized representative on the authority.

Any member of the authority who is an elected official and whose office is not a full time position shall receive forty dollars for each day attending official meetings of the authority.

NEW SECTION. Sec. 17. The public transportation benefit area authority authorized pursuant to section 16 of this amendatory act shall develop a comprehensive transit plan for the area. Such plan shall include, but not be limited to the following elements:

(1) The levels of transit service that can be reasonably provided for various portions of the benefit area.

(2) The funding requirements, including local tax sources, state and federal funds, necessary to provide various levels of service within the area.

(3) The impact of such a transportation program on other transit systems operating within that county or adjacent counties.

(4) The future enlargement of the benefit area or the consolidation of such benefit area with other transit systems.

NEW SECTION. Sec. 18. The comprehensive transit plan adopted by the authority shall be reviewed by the state transportation commission, and if such commission does not exist, by the planning and community affairs agency or its successor to determine:

(1) The completeness of service to be offered and the economic viability of the transit system proposed in such comprehensive transit plan;

(2) Whether such plan integrates the proposed transportation system with existing transportation modes and systems that serve the benefit area;

(3) Whether such plan coordinates that area's system and service with nearby public transportation systems;

(4) Whether such plan is eligible for matching state or federal funds;

After reviewing the comprehensive transit plan, the state transportation commission, and if such does not exist, the planning and community affairs agency or its successor shall have sixty days in which to approve such plan and to certify to the state treasurer that such public transportation benefit area shall be eligible to receive the motor vehicle excise tax proceeds authorized pursuant to RCW 35.58.273, as now or hereafter amended in the manner prescribed by chapter 82.44 RCW, as now or hereafter amended. To be approved a plan shall provide for coordinated transportation planning, the integration of such proposed transportation program with other transportation systems operating in areas adjacent to, or in the vicinity of the proposed public transportation benefit area, and be consistent with the public transportation coordination criteria adopted pursuant to the urban mass transportation act of 1964 as amended as of the

effective date of this 1975 amendatory act. In the event such comprehensive plan is disapproved and ruled ineligible to receive motor vehicle tax proceeds, the state transportation commission, and if such does not exist, the planning and community affairs agency or its successor, shall provide written notice to the authority within thirty days as to the reasons for such plan's disapproval and such ineligibility. The authority may resubmit such plan upon reconsideration and correction of such deficiencies in the plan cited in such notice of disapproval.

NEW SECTION. Sec. 19. In addition to the powers specifically granted by this chapter a public transportation benefit area shall have all powers which are necessary to carry out the purposes of the public transportation benefit area. A public transportation benefit area may contract with the United States or any agency thereof, any state or agency thereof, any other public transportation benefit area, any county, city, metropolitan municipal corporation, special district, or governmental agency, within or without the state, and any private person, firm or corporation for the purpose of receiving gifts or grants or securing loans or advances for preliminary planning and feasibility studies, or for the design, construction or operation of transportation facilities. In addition a public transportation benefit area may contract with any governmental agency or with any private person, firm or corporation for the use by either contracting party of all or any part of the facilities, structures, lands, interests in lands, air rights over lands and rights of way of all kinds which are owned, leased or held by the other party and for the purpose of planning, constructing or operating any facility or performing any service which the public transportation benefit area may be authorized to operate or perform, on such terms as may be agreed upon by the contracting parties. Before any contract for the lease or operation of any public transportation benefit area facilities shall be let to any private person, firm or corporation, a general schedule of rental rates for bus equipment with or without drivers shall be publicly posted applicable to all private certificated carriers, and for other facilities competitive bids shall first be called upon such notice, bidder qualifications and bid conditions as the public transportation benefit area authority shall determine.

A public transportation benefit area may sue and be sued in its corporate capacity in all courts and in all proceedings.

NEW SECTION. Sec. 20. A public transportation benefit area authority shall have the following powers in addition to the general powers granted by this chapter:

(1) To prepare, adopt and carry out a general comprehensive plan for public transportation service which will best serve the residents of the public transportation benefit area and to amend said plan from time to time to meet changed conditions and requirements.

(2) To acquire by purchase, condemnation, gift or grant and to lease, construct, add to, improve, replace, repair, maintain, operate and regulate the use of transportation facilities and properties including intermodal transportation centers within or without the public transportation benefit area or the state, including systems of surface, underground or overhead railways, tramways, buses, or any other means of local transportation except taxis, and including escalators, moving sidewalks or other people-moving systems, passenger terminal and parking facilities and properties and such other facilities and properties as may be necessary for passenger and vehicular access to and from such people-moving systems, terminal and parking facilities and properties, together with all lands, rights of way, property, equipment and accessories necessary for such systems and facilities. Public transportation facilities and properties which are owned by any city may be acquired or used by the public transportation benefit area authority only with the consent of the city council of the city owning such facilities. Cities are hereby authorized to convey or lease such facilities to a public transportation benefit area authority or to contract for their joint use on such terms as may be fixed by agreement between the city council of such city and the public transportation benefit area authority, without submitting the matter to the voters of such city.

The facilities and properties of the public transportation benefit area system whose vehicles will operate primarily within the rights of way of public streets, roads or highways, may be acquired, developed and operated without the corridor and design hear-

ings which are required by RCW 35.58.273, as now or hereafter amended, for mass transit facilities operating on a separate right of way.

(3) To fix rates, tolls, fares and charges for the use of such facilities and to establish various routes and classes of service.

In the event any public transportation benefit area shall extend its public transportation services to any area of 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.

NEW SECTION. Sec. 21. Except in accordance with an agreement made as provided in this section, upon the effective date on which the public transportation benefit area commences to perform the public transportation service, no person or private corporation shall operate a local public passenger transportation service within the public transportation benefit area with the exception of taxis, buses owned or operated by a school district or private school, and buses owned or operated by any corporation or organization solely for the purposes of the corporation or organization and for the use of which no fee or fare is charged.

An agreement may be entered into between the public transportation benefit area authority and any person or corporation legally operating a local public passenger transportation service wholly within or partly within and partly without the public transportation benefit area and on said effective date under which such person or corporation may continue to operate such service or any part thereof for such time and upon such terms and conditions as provided in such agreement. Where any such local public passenger transportation service will be required to cease to operate within the public transportation benefit area, the public transportation benefit area authority may agree with the owner of such service to purchase the assets used in providing such service, or if no agreement can be reached, the public transportation benefit area authority shall condemn such assets in the manner and by the same procedure as is or may be provided by law for the condemnation of other properties for cities of the first class, except insofar as such laws may be inconsistent with the provisions of this chapter.

Wherever a privately owned public carrier operates wholly or partly within a public transportation benefit area, the Washington utilities and transportation commission shall continue to exercise jurisdiction over such operation as provided by law.

NEW SECTION. Sec. 22. The public transportation benefit area shall have and exercise all rights with respect to the construction, acquisition, maintenance, operation, extension, alteration, repair, control and management of passenger transportation which any component city shall have been previously empowered to exercise and such powers shall not thereafter be exercised by such component cities without the consent of the public transportation benefit area: **PROVIDED,** That any city owning and operating a public transportation system on such effective date of this chapter may continue to operate such system within such city until such system shall have been acquired by the public transportation benefit area and a public transportation benefit area may not acquire such system without the consent of the city council of such city.

NEW SECTION. Sec. 23. If a public transportation benefit area shall acquire any existing transportation system, it shall assume and observe all existing labor contracts relating to such system and, to the extent necessary for operation of facilities, all of the employees of such acquired transportation system whose duties are necessary to operate efficiently the facilities acquired shall be appointed to comparable positions to those which they held at the time of such transfer, and no employee or retired or pensioned employee of such systems shall be placed in any worse position with respect to pension seniority, wages, sick leave, vacation or other benefits that he enjoyed as an employee of such system prior to such acquisition. The public transportation benefit area authority shall engage in collective bargaining with the duly appointed representatives of any employee labor organization having existing contracts with the acquired transportation system and may enter into labor contracts with such employee labor organization.

NEW SECTION. Sec. 24. Each public transportation benefit area authority shall establish a fund to be designated as the "transportation fund", in which shall be placed all sums received by the authority from any source except the proceeds of bonds issued by the authority, and out of which shall be expended all sums disbursed by the authority unless otherwise provided in bond covenants. The county treasurer, or in the case of a multi-county public transportation benefit area, the county treasurer of the largest component county, shall be the custodian of the fund. The county auditor of such county shall keep the record of the receipts and disbursements, and shall draw and such county treasurer shall honor and pay all warrants, which shall be approved before issuance and payment as directed by the authority.

The county or counties and each city or town which is included in the authority shall contribute such sums towards the expense for maintaining and operating the public transportation system as shall be agreed upon between them.

NEW SECTION. Sec. 25. (1) An election to authorize the annexation of territory contiguous to the public transportation benefit area may be called within the area to be annexed pursuant to resolution or petition in the following manner:

(a) By resolution of a public transportation benefit area authority when it shall determine that the best interests and general welfare of such public transportation benefit area would be served. Such authority shall consider the question of areas to be annexed to the public transportation benefit area at least once every two years.

(b) By petition calling for such an election signed by at least four percent of the qualified voters residing within the area to be annexed and filed with the auditor of the county wherein the largest portion of the public transportation benefit area is located, and notice thereof shall be given to such authority. Upon receipt of such a petition, the auditor shall examine the same and certify to the sufficiency of the signatures thereon.

(c) By resolution of a public transportation benefit area authority upon request of any city for annexation thereto.

(2) The resolution or petition shall describe the boundaries of the area to be annexed. It shall require that there also be submitted to the electorate of the territory sought to be annexed a proposition authorizing the inclusion of such area within the public transportation benefit area and authorizing the imposition of such taxes authorized by law to be collected by the authority.

(3) Upon the annexation of additional area to a public transportation benefit area, the authority of the public transportation benefit area shall be reconstituted within sixty days in accordance with the provisions of section 16 of this amendatory act.

NEW SECTION. Sec. 26. Counties that have established a county transportation authority pursuant to chapter 36.57 RCW and public transportation benefit areas that have been established pursuant to sections 12 through 26 of this amendatory act are eligible to receive a one-time advanced financial support payment from the state to assist in the development of the initial comprehensive transit plan required by RCW 36.57.070 and section 17 of this amendatory act. The amount of this support payment is established at one dollar per person residing within each county or public transportation benefit area, as determined by the office of program planning and fiscal management, but no single payment shall exceed \$50,000. Repayment of an advanced financial support payment shall be made to the public transportation account in the general fund or, if such account does not exist, to the general fund by each agency within two years of the date such advanced payment was received. Such repayment shall be waived within two years of the date such advanced payment was received if the voters in the appropriate counties or public transportation benefit areas do not elect to levy and collect taxes enabled under authority of this 1975 amendatory act. The state department of transportation or, if such department does not exist, the planning and community affairs agency shall provide technical assistance in the preparation of local transit plans, and administer the advanced financial support payments authorized by this section.

NEW SECTION. Sec. 27. There is hereby appropriated from the public transportation account in the general fund or, if such account does not exist, from the general fund to the transportation commission or, if such commission does not exist to the planning and community affairs agency for the biennium ending June 30, 1977 the sum of

\$450,000, or so much thereof as may be necessary, to carry out the provisions of sections 17 and 26 of this amendatory act.

NEW SECTION. Sec. 28. The following acts or parts of acts are each hereby repealed:

(1) Section 10, chapter 167, Laws of 1974 ex. sess. and RCW 82.14.047;

(2) Sections 1 through 9, chapter 136, Laws of 1973 1st ex. sess. and RCW 35.58.2731; and

(3) Section 6, chapter 54, Laws of 1974 ex. sess.

NEW SECTION. Sec. 29. Sections 12 through 26 shall constitute a new chapter in Title 36 RCW.

NEW SECTION. Sec. 30. If any provision of this 1975 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 31. This 1975 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1975."

On motion of Senator Walgren, the following amendment to the amendment by Senators Walgren and Bottiger was adopted:

On page 2, of the Senate amendment, delete all the material on line 11, and insert "This section shall expire on June 30, [1981] 1983."

On motion of Senator Marsh, the following amendments to the amendment by Senators Walgren and Bottiger were adopted:

On page 6, line 7 of the Walgren/Bottiger amendment, strike "while not required by legislative mandate to do so," and insert "[while not required by legislative mandate to do so,]".

On page 6, line 22 of the Walgren/Bottiger amendment, after the colon and before "PROVIDED" insert "*PROVIDED, That no such legislative body shall impose such a sales and use tax without submitting such an authorizing proposition to the voters and obtaining the approval of a majority of persons voting thereon:*" and on line 22, after "PROVIDED" insert "FURTHER".

Senator Bottiger moved adoption of the following amendment to the amendment by Senators Walgren and Bottiger:

On page 2, line 10 of the amendment, after "amended" and before the period insert "": *PROVIDED, HOWEVER, That the total amount of the special excise taxes to be distributed to all municipalities in any biennium shall not exceed fifty percent of the excise tax imposed by such municipalities and RCW 35.58.273*".

POINT OF INQUIRY

Senator Guess: "Senator Bottiger, I do not have the amendment in front of me but I am bothered by the fact that you say it is one-half of one percent of the excise tax?"

Senator Bottiger: "One-half of one percent of the motor vehicle excise tax."

Senator Guess: "Not one-half of the excise tax as levied?"

Senator Bottiger: "No, sir."

POINT OF INQUIRY

Senator Guess: "Senator Bottiger, this says fifty percent of the excise tax."

Senator Bottiger: "Imposed by the municipality under RCW whatever it was. Under that statute it is one percent, so it is fifty percent of what the municipality could impose and they can impose one percent."

Senator Guess: "All right. Now the RCW that we amend later on under 2937 would not be affected by this would it?"

Senator Bottiger: "This same amendment will be offered on that bill."

POINT OF INQUIRY

Senator Bluechel: "Would Senator Bottiger yield to a question? Senator Bottiger, under Metro at the present time bonds have been already sold based on the assumption they were going to get full match, and on the remaining of them, what is the affect of this

amendment on any existing bonds and especially up until the cut off year 1983 which has been extended from 1971 now?"

Senator Bottiger: "Senator Bluechel, on page 9 of the bill that precise question is addressed. We first guarantee all of the existing bonds that are outstanding and then we say that from the effective date of this act no one shall pledge more than an amount equal to ten percent, no one shall pledge more than ten percent of their share of the state match. When you run that by a bonding company, because of this one-half of one percent amendment, that really means five percent."

Senator Bluechel: "That is right. The key question was that all existing bonds are taken care of. It is after the fact."

Senator Bottiger: "Yes, sir, they are."

The motion by Senator Bottiger carried and the amendment to the amendment by Senators Walgren and Bottiger was adopted.

On motion of Senator Walgren, the following amendment by Senators Walgren and Bottiger to the title was adopted:

On line 8 of the title after "RCW 35.95.040;" and before "amending" insert "amending section 4, chapter 167, Laws of 1974 ex. sess. and RCW 36.57.040;"

The motion by Senator Walgren carried and the amendment, as amended, was adopted.

On motion of Senator Walgren, the rules were suspended, Engrossed Substitute Senate Bill No. 2280 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Newschwander: "I wonder if Senator Bottiger would yield to a question? Senator Bottiger, on page 4, beginning on line 16, 'to acquire by purchase, condemnation' and on down, 'including terminal and parking facilities' on line 19, tell me what an intermodal transportation center is then. What is different between that and terminal and parking facilities and why is that language in there?"

Senator Bottiger: "Senator Newschwander, Senator Washington brought to us a rather unique problem in another bill which went through the committee process and was actually voted out of the Rules Committee. In the town of Ephrata, and as we looked at it, in the city of Tacoma, Seattle, and several others are abandoned railroad facilities in the form of the Union Station, things of this nature. The town of Ephrata looked at the question as to whether they could acquire a portion of that facility and operate a bus station in conjunction with the railroad depot, operate a place where school children could be dropped off after football games so their parents could pick them up, and their city attorney was of the opinion they could not under existing statute. We thought it was a good idea so we gave local government that authority and that is all the new language, by the way, in that section."

POINT OF INQUIRY

Senator Bailey: "Would Senator Walgren yield? Senator Walgren, in Grays Harbor County we have a new system starting out and we have problems with the fact that we would have to go through a part of Thurston County and a part of Lewis County in order to make contact between our public utility and the Amtrak or the bus line as it runs along Interstate 5. Do you think that there is adequate provision in here for inter-governmental contracts that they could provide for extending beyond the transportation district lines so that they could enter into contracts and run the buses to meet these national or interstate facilities?"

Senator Walgren: "Yes, Senator Bailey, I do. There is some specific language, I think, on page 19 of the bill that I believe answers that question in the affirmative."

Debate ensued.

POINT OF INQUIRY

Senator Guess: "Would Senator Bottiger yield? Senator Bottiger, we have been talking about two measures of support for this and I see that this extends the one percent

motor vehicle excise tax, the state match, for all areas of the state utilizing the household tax to provide public transportation. It also provides the motor vehicle excise tax authorization for King County Metro, county transportation authorities, and the PTBA imposing the sales tax. Now it provides that the one percent motor vehicle excise tax shall not expire until June 30, 1983, according to the amendment that was put on the bill.

"Now, the question is, when we came over here there was a budget item to allow some thirty-two million dollars for this activity. Then, as I understood it, the House bill cut that budget down to sixteen million."

Senator Bottiger: "I believe that is inaccurate. I think the House bill left it at thirty-one. Senator Donohue has indicated he was going to cut it to sixteen."

Senator Guess: "All right, Senator Donohue cut it to sixteen. Now what is going to be the posture of the funds available to match this, give or take a few million, when we go home and say to the people that we passed 2280 and now they can have their own transportation system, is the thirty-six million going to be available?"

Senator Bottiger: "Senator Guess, right behind this bill on the calendar is Senate Bill 2937, which is a point two eight percent increase in the motor vehicle excise tax fund. That produces twenty million dollars and it is part of this package. It is the next bill up. That would be a total of thirty-six million dollars."

Senator Guess: "So you take the sixteen million that is already in the budget but it does not have any relationship to that one percent. That is what I am trying to clear up."

Senator Bottiger: "Senator Guess, that is not quite accurate. The municipalities who would qualify to receive state assistance will receive the lesser of the following sums: either one percent of the motor vehicle excise tax collected within their jurisdiction or the proceeds of their tax source, the household tax, the B and O, the excise tax or the sales tax. They will receive the lesser of that sum. That determines their share of the pot. The pot will be thirty-six million dollars and that is one-half of one percent of the motor vehicle excise tax."

Senator Guess: "I see. Okay. Thank you very much."

POINT OF INQUIRY

Senator Gould: "Would Senator Bottiger yield please? It is my understanding in the bill that there is only one public transportation benefit area allowed in a county and I will follow through and maybe you answer it, and that cities which are in a county and have a current transportation system which is set up under the household tax would not be able to get funds from the motor vehicle excise tax."

Senator Bottiger: "They would continue to be able to receive the state match from their household tax. The household tax is a very small amount in the draw against the pot."

Senator Gould: "I see. My concern is then, if they felt that, if a city should get more money by becoming a public PTBA and asked a neighboring city or a few precincts around the city to go with them and apply to be a PTBA for the county, how would other areas of the county which may need the system be able to either incorporate into it or set up their own system, or are they protected from this?"

Senator Bottiger: "Senator Gould, the bill calls for a conference to be composed of all the representatives from all of the municipalities in the community. That conference, in effect, recommends to the county commissioners the appropriate boundary of the transit improvement district. County commissioners have the authority to veto those boundaries and to add or subtract from it. Once those boundaries are determined, that is sent for review to the Department of Transportation for their examination as to whether it is a comprehensive plan. They can send it back and ask for further consideration on boundary questions on the adequacy of the system. If they approve it, then that transit system will receive state match. If they do not approve it they will not. Now we think that the public scrutiny in a county, if I may use the example of Snohomish, of people who are not able to agree and thereby lose state match, the public pressure and the criticism of the press and the business and community leaders would be sufficient to

compel them to come up with a comprehensive plan for the entire county. The carrot on the stick, if you wish, there is no state match if you do not."

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Walgren yield? Does this bill as a public transit bill take in island transportation?"

Senator Walgren: "I assume that it could if that was the boundary that was established by the county commissioners at the conference."

Senator Rasmussen: "For instance, you have an unincorporated area and they could not exclude themselves but they probably might insist on being in. That is quite an expensive venture and I am thinking of the . . ."

Senator Walgren: "Do you have a particular county to which you are referring?"

Senator Rasmussen: "The Vashon ferry."

Senator Walgren: "That would be Senator von Reichbauer's district."

Senator Rasmussen: "And the McNeil Island-Anderson Island ferry which is now subsidized out of the highway funds."

Senator Walgren: "Again, I think that the boundaries, the way the bill is established, will be established by the county commissioners and they will have to take into consideration those economic problems that might be existent if you were to include an island into the district."

Senator Rasmussen: "It would be very tempting, would it not?"

Senator Walgren: "I do not know, it might be."

Senator Rasmussen: "Where they are losing maybe a hundred thousand dollars a year, that they would include it in the transportation system and be able then to subsidize it out of the sales tax and the excise tax?"

Senator Walgren: "Sure. That might be a very persuasive argument for them just to leave that out, knowing that Senator Mardesich would move forward to stop the state funding."

Senator Rasmussen: "Thank you, Senator."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2280, and the bill passed the Senate by the following vote: Yeas, 40; nays, 7; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Goltz, Gould, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott, Sellar, Storini, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson, Woody—40.

Voting nay: Senators Grant, Lewis (Harry), Marsh, Matson, Pullen, Talley, von Reichbauer—7.

Excused: Senator Francis, Murray—2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2280, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 619, by Representatives Bagnariol, Perry, Nelson, Wojahn, Moreau, Bond, Peterson, Charnley, Patterson, Clemente and Savage:

Mandating availability of materials on abuses of alcohol in public premises where sold or consumed on campuses of institutions of higher education.

The Senate resumed consideration of Engrossed House Bill No. 619, as amended, from earlier today. An amendment proposed by Senator Pullen was withdrawn.

The motion by Senator Sandison carried and the committee amendment, as amended, was adopted.

On motion of Senator Goltz, the rules were suspended, Engrossed House Bill No. 619, 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. 619, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; nays, 5; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Goltz, Gould, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Walgren, Wanamaker, Washington, Wilson, Woody—42.

Voting nay: Senators Grant, Guess, Talley, Van Hollebeke, von Reichbauer—5.

Excused: Senators Francis, Murray—2.

ENGROSSED HOUSE BILL NO. 619, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Senate Bill No. 2937.

SECOND READING

SENATE BILL NO. 2937, by Senator Walgren:

Relating to transportation taxation.

MOTIONS

On motion of Senator Walgren, Substitute Senate Bill No. 2937 was substituted for Senate Bill No. 2937 and the substitute bill was placed on second reading and read the second time in full.

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

On page 5, line 31, after "purposes" insert ": PROVIDED FURTHER, That the total amount remitted by the state treasurer in any one calendar year to all municipalities levying the excise tax authorized under RCW 35.58.273 shall not exceed fifty per cent of such excise tax".

On motion of Senator Walgren, the rules were suspended, Engrossed Substitute Senate Bill No. 2937 was advanced to third reading, the second 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. 2937, and the bill passed the Senate by the following vote: Yeas, 34; nays, 13; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Donohue, Fleming, Goltz, Gould, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Mardesich, Matson, McDermott, Morrison, Newschwander, North, Odegaard, Ridder, Scott, Sellar, Walgren, Wanamaker, Washington, Wilson, Woody—34.

Voting nay: Senators Day, Grant, Keefe, Lewis (R. H. "Bob"), Marsh, Peterson, Pullen, Rasmussen, Sandison, Stortini, Talley, Van Hollebeke, von Reichbauer—13.

Excused: Senators Francis, Murray—2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2937, having received the 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. 2117,
SENATE BILL NO. 2328,
SENATE BILL NO. 2393,
SUBSTITUTE SENATE BILL NO. 2517,
SUBSTITUTE SENATE BILL NO. 2616,
SENATE BILL NO. 2636,
SUBSTITUTE SENATE BILL NO. 2855,
SENATE BILL NO. 2960.

MOTIONS

On motion of Senator Mardesich, the Senate dispensed with the Call of the Senate.

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

On motion of Senator Mardesich, Senate Resolution 1975-56 regarding wild dog problems and 1975-57, regarding preservation of blue herons, were referred to the Committee on Rules.

At 4:17 p.m., on motion of Senator Mardesich, the Senate adjourned until 11:00 a.m., Wednesday, May 20, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

SIXTY-NINTH DAY**MORNING SESSION**

Senate Chamber, Olympia, Wednesday, May 21, 1975.

The Senate was called to order at 11:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Day, Francis, Murray and Walgren. On motion of Senator Knoblauch, Senators Francis and Walgren were excused. On motion of Senator Keefe, Senator Day was excused. On motion of Senator Lewis (R. H. "Bob"), Senator Murray was excused.

The Color Guard, consisting of Pages David Birn and Anna Rising, presented the Colors. Father William Treacy, pastor of St. Michael's Church of Olympia, offered the following prayer:

"ALMIGHTY GOD OUR FATHER, WE PAUSE FOR A BRIEF MOMENT TODAY TO GIVE THANKS FOR THE PRESENCE OF THY SPIRIT BREAKING DOWN BARRIERS BETWEEN US ESPECIALLY IN THE RELIGIOUS FIELD. AS ST. MICHAEL'S PARISH CELEBRATES ITS 100TH ANNIVERSARY THIS YEAR WE GIVE THANKS THAT WE HAVE BEEN ABLE TO MINISTER TO LEGISLATORS OVER THE YEARS AND IN TURN HAVE ENJOYED THEIR SUPPORT. WE RECALL THE BREAKTHROUGH IN RELIGIOUS UNDERSTANDING WHEN LEGISLATORS WERE FED AND HOUSED IN ST. PETER'S HOSPITAL AND PEOPLE ALIENATED IN THEIR COMMUNITIES CAME TO KNOW AND RESPECT EACH OTHER HERE IN OLYMPIA. LET US NEVER TAKE THIS SENSE OF RESPECT FOR OUR RELIGIOUS DIFFERENCES FOR GRANTED. GIVE US THEN THY SPIRIT TO FOSTER IT IN OUR PERSONAL AND PROFESSIONAL PURSUITS. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEES

May 20, 1975.

ENGROSSED HOUSE BILL NO. 354, changing "tax commission" to "department of revenue" in various statutes (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson, Second Vice Chairman; Bailey, Clarke, Fleming, Jones, Marsh, Newschwander, Rasmussen, Sandison, Scott, Washington.

Passed to Committee on Rules for second reading.

May 20, 1975.

ENGROSSED HOUSE BILL NO. 536, providing for regulation of health care service contractors (reported by Committee on Financial Institutions):

Recommendation: Do pass as amended.

Signed by: Senators Woody, Chairman; Bluechel, Clarke, Herr, Jones, Mardesich, Walgren.

Passed to Committee on Rules for second reading.

May 20, 1975.

SUBSTITUTE HOUSE BILL NO. 867, appropriating funds for the Washington Future program (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Donohue, Chairman; Odegard, Vice Chairman; Wilson, Second Vice Chairman; Bailey, Clarke, Fleming, Jones, Marsh, Newschwander, Rasmussen, Scott, Washington.

Passed to Committee on Rules for second reading.

May 21, 1975.

HOUSE BILL NO. 1031, reducing number of district court judges in Lincoln county from two to one (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Clarke, Fleming, Jones, Van Hollebeke, Woody.

Passed to Committee on Rules for second reading.

May 20, 1975

SUBSTITUTE HOUSE BILL NO. 1178, establishing a central payroll system for state agencies (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Donohue, Chairman; Odegard, Vice Chairman; Wilson, Second Vice Chairman; Bailey, Clarke, Fleming, Jones, Marsh, Newschwander, Rasmussen, Sandison, Scott, Washington.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE GOVERNOR

Office of the Governor, May 20, 1975.

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

LADIES AND GENTLEMEN:

On this date I have approved ENGROSSED SUBSTITUTE SENATE BILL NO. 2715 entitled:

"An Act relating to school district budgets."

This bill allows first class school districts to delay preparation of preliminary budgets from June 1 to June 15 in the event the Legislature has not appropriated funds for the support of common schools by May 10. The bill is urgently needed inasmuch as school districts have been unable to prepare preliminary budgets because of the uncertainty created by school levy failures and pending legislation addressing the common school funding question.

The bill does not, however, cover second and third class districts which may also be encountering budgeting difficulties for the reasons stated. I am advised that there is now pending in the Senate Rules Committee House Bill 752 which would extend the preliminary budget preparation deadline to such districts. I strongly urge enactment of that bill without further delay.

Respectfully submitted,
DANIEL J. EVANS
Governor

MESSAGES FROM THE HOUSE

May 20, 1975.

Mr. President: The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 86,

HOUSE BILL NO. 295,

HOUSE BILL NO. 468,

HOUSE BILL NO. 806, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

May 20, 1975.

Mr. President: The House has passed:

ENGROSSED SENATE BILL NO. 2619,

SUBSTITUTE SENATE BILL NO. 2713, and the same are herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 2071,

SENATE BILL NO. 2253,

SENATE BILL NO. 2271,

SENATE BILL NO. 2278,

SENATE BILL NO. 2385,

SENATE BILL NO. 2466,

SENATE BILL NO. 2608,

SUBSTITUTE SENATE BILL NO. 2692.

MOTIONS

On motion of Senator Mardesich, Senate Bill No. 2962 was ordered held on the Introduction and First Reading calendar for Friday, May 23, 1975.

On motion of Senator Mardesich, House Bill No. 267 was ordered placed on today's second reading calendar following Senate Bill No. 2535.

On motion of Senator Mardesich, the Senate commenced consideration of Substitute House Bill No. 340.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 340, by Committee on Higher Education (originally sponsored by Representatives Charnley, Peterson and Douthwaite):

Providing for the acquisition and disposition of documents or materials by the museum of the University of Washington.

The bill was read the second time by sections.

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

On page 1, line 11, after "mail" insert " , return receipt requested,"

On page 1, line 12, after "regents" insert "and if such certified letter be returned because it could not be delivered to the addressee, public notice shall be published by the University of Washington once each week during two successive weeks in a daily newspaper circulating in the city of Seattle and the county of King describing the unclaimed documents or materials, giving the name of the reputed owner thereof and requesting all persons who may have any knowledge of the whereabouts of such owner to contact the office of the museum of the University of Washington: PROVIDED, HOWEVER, That more than one item may be described in each of such notices"

On motion of Senator Sandison, the rules were suspended, Substitute House Bill No. 340, 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. 340, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; excused, 4.

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

Cunningham, Donohue, Fleming, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson—44.

Voting nay: Senator Woody—1.

Excused: Senators Day, Francis, Murray, Walgren—4.

SUBSTITUTE HOUSE BILL NO. 340, 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 Lewis (Harry), Senate Bill No. 2735 was ordered to hold its place on the second reading calendar for Thursday, May 22, 1975.

On motion of Senator Mardesich, Senate Bill No. 2957 was ordered held on today's second reading calendar following Engrossed Substitute House Bill No. 29.

On motion of Senator Mardesich, Senate Bill No. 2535 was ordered held on today's second reading calendar following Senate Bill No. 2957.

On motion of Senator Washington, House Bill No. 267 was made a special order of business for 1:30 p.m. today.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 29, by Committee on State Government (originally sponsored by Representatives Shimpoch, Chatalas, Conner, Fortson and Gaines):

Making the gambling commission independent of the department of motor vehicles.

The bill was read the second time by sections.

On motion of Senator Rasmussen, the rules were suspended, Engrossed Substitute House Bill No. 29 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator North: "Would Senator Rasmussen yield? Senator Rasmussen, I am reading the digest here and there is something I do not understand. Perhaps you could explain it. Why was the requirement removed, that license fees must provide not less than an amount necessary to cover the commission licensing and enforcement cost? There must be a good reason to do that."

Senator Rasmussen: "I do not think that it does. I think they still have to provide for the funding of the commission through the license fees."

Senator North: "According to the digest, the funding of the commission will probably have to come out of a general fund appropriation on the part of the legislature and it is not going to be a self-sustaining unit any more."

Senator Rasmussen: "Excuse me. I did not know what you were driving at. Yes, this requires that there be an appropriation made by the legislature to fund this department the same as we do with other departments. Before that it was a revolving fund. Now it goes into the general fund and then will be appropriated out within the State Treasurer's office."

Senator North: "I do not mind at all if it is going to pay its own way, but this would indicate that it is not going to, that the fees are going to be reduced and so that we in effect, the fees for the gambling are not going to cover the mechanical running of the commission. I would be opposed to that."

Senator Rasmussen: "No way. They still have to cover their costs."

Senator North: "They are still going to be high enough and adequate enough?"

Senator Rasmussen: "Yes."

Senator North: "All right, thank you."

Senator Rasmussen: "We are not going to subsidize it out of the general fund, no way. The gamblers will have to pay their own way."

Senator North: "That is what I want to know. Thank you."

Senator Rasmussen: "Yes."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 29, and the bill passed the Senate by the following vote: Yeas, 30; nays, 13; absent or not voting, 2; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bottiger, Buffington, Donohue, Fleming, Grant, Henry, Herr, Jolly, Knoblauch, Mardesich, Marsh, Matson, McDermott, Morrison, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Woody—30.

Voting nay: Senators Bluechel, Cunningham, Goltz, Gould, Guess, Jones, Keefe, Lewis (Harry), Lewis (R. H. "Bob"), Newschwander, North, Pullen, Wilson—13.

Absent or not voting: Senators Clarke, Talley—2.

Excused: Senators Day, Francis, Murray, Walgren—4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 29, having received the constitutional majority, 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. 2287, by Senators Rasmussen, Stortini and Pullen:
Revising law relating to commercial trolling.

MOTION

Senator Talley moved that Senate Bill No. 2287 be referred to the Committee on Ways and Means with instructions to report back as quickly as possible.

Debate ensued.

POINT OF INQUIRY

Senator Talley: "Will Senator Peterson yield? Senator Peterson, in your opinion do you think this would activate more commercial licenses?"

Senator Peterson: "I talked to the director this morning, Senator Talley, as to whether he had any more updated information on the number of licenses than they had when we had our committee meetings on the bill. I could not get a firm figure from him. I did get the number of troll licenses that have been issued from the period between 1970 and 1975. Their position now, according to the director, is that they really do not know and they are having a difficult time to determine the number of licenses that would be reactivated. There has been a number of transfers of licenses. I have those figures, there were ninety-two transfers on the boat; there were one hundred and nineteen transfers on the boat and owner; a total of approximately two hundred and seventy-five transfers, which indicates that there is some activity in the troll fishery within the present licensing structure but he was not able to give me any concrete data as to the number of possible, not new, but reactivated licenses that may or may not come into the picture."

Senator Talley: "Will you yield to another question? But there is a strong possibility that there will be more licenses reactivated under this?"

Senator Peterson: "Their original estimate was that somewhere in the area of two hundred, and then the other collectible figures have been running between six hundred and as high as nine hundred. I tried to get a definitive answer from the director this morning and I was unable to receive one."

Senator Lewis (Harry) demanded a roll call and the demand was sustained by Senators Bailey, Newschwander, Matson, Scott, Clarke, Beck, Talley, Donohue and Odegard.

The President declared the question before the Senate to be the motion by Senator Talley that Senate Bill No. 2287 be referred to the Committee on Ways and Means with instructions.

ROLL CALL

The Secretary called the roll and the motion by Senator Talley carried by the following vote: Yeas, 23; nays, 21; absent or not voting, 1; excused, 4.

Voting yea: Senator Bailey, Beck, Benitz, Donohue, Goltz, Henry, Herr, Jolly, Keefe, Knoblauch, Mardesich, McDermott, Odegard, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Wilson, Woody—23.

Voting nay: Senators Bluechel, Bottiger, Buffington, Clarke, Cunningham, Gould, Grant, Guess, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, Matson, Morrison, Newschwander, North, Peterson, Pullen, Rasmussen, Ridder, Washington—21.

Absent or not voting: Senator Fleming—1.

Excused: Senators Day, Francis, Murray, Walgren—4.

Senate Bill No. 2287 was referred to the Committee on Ways and Means with instructions.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Senate Bill No. 2957.

SECOND READING

SENATE BILL NO. 2957, by Senators Bottiger and Walgren:

Increasing fees for driver's licenses.

The bill was read the second time by sections.

On motion of Senator Bottiger, the rules were suspended, Senate Bill No. 2957 was advanced to third reading, the second 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. 2957, and the bill passed the Senate by the following vote: Yeas, 28; nays, 17; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Donohue, Goltz, Gould, Guess, Henry, Herr, Jolly, Jones, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, North, Pullen, Scott, Sellar, Wanamaker, Washington—28.

Voting nay: Senators Fleming, Grant, Keefe, Knoblauch, Lewis (Harry), Newschwander, Odegard, Peterson, Rasmussen, Ridder, Sandison, Stortini, Talley, Van Hollebeke, von Reichbauer, Wilson, Woody—17.

Excused: Senators Day, Francis, Murray, Walgren—4.

SENATE BILL NO. 2957, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Senate Bill No. 2535.

SECOND READING

SENATE BILL NO. 2535, by Senator Walgren:

Relating to transportation.

MOTION

On motion of Senator Henry, Substitute Senate Bill No. 2535 was substituted for Senate Bill No. 2535 and the substitute bill was placed on second reading and read the second time in full.

PARLIAMENTARY INQUIRY

Senator Bluechel: "I have a series of amendments to the bill, four or five of which are substantial. The rest are technical, and I have one amendment which literally is a substitute bill. Would you explain which order you are going to take these?"

REPLY BY THE PRESIDENT

The President: "The amendments that have been presented will be considered prior to your amendment to strike, Senator Bluechel."

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

On page 6, line 35, strike "sixty" and insert "forty"

On page 6, line 36, after "duties and" strike all of the material down to and including "expenses" on page 7, line 2, and insert "travel expenses in accordance with RCW 43.03.050 and RCW 43.03.060 as now existing or hereafter amended,"

Senator Bluechel moved adoption of the following amendment:

On page 5, line 29, strike all of section 4 down through and including page 6, line 2 and insert the following:

"*NEW SECTION.* Sec. 4. There is added to Title 47 RCW a new section to read as follows:

The executive head of the department of transportation shall be the secretary of transportation, who shall be appointed by the transportation commission, with the consent of the senate, from a list of three names submitted to the transportation commission by the governor, shall serve until removed by the governor, with the approval of a majority of the commission, and shall be paid a salary to be fixed by the governor in accordance with the provisions of RCW 43.03.040. If a vacancy occurs in the office of secretary while the senate is not in session, the commission shall make a temporary appointment, from a list of three names submitted by the governor, until the next meeting of the senate, when the commission shall present to that body its nomination for the office."

Debate ensued.

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

Senator Bluechel moved adoption of the following amendment:

On page 5, section 1, line 6, after "commission," and before "and" insert "the department of motor vehicles, the canal commission,"

POINT OF ORDER

Senator Henry: "On that amendment I raise the question of scope and object. There is no mention in the original bill of 2535 of Canal Commission which they have been trying to dig for fifty years and did not get the job done, or the Department of Motor Vehicles. Now in the Department of Motor Vehicles will be an advisory group but they have nothing to do with overall transportation."

Debate ensued.

RULING BY THE PRESIDENT

The President: "In ruling on the point of order as presented by Senator Henry, the President determines that Substitute Senate Bill No. 2535 is a measure creating a department to assume the duties of the Highway Commission and the Toll Bridge Authority. The amendment proposed by Senator Bluechel pertains to the transfer of duties of the Canal Commission and the Department of Motor Vehicles. It is apparent by the changes in the duties of the Department of Motor Vehicles and the Canal Commission that the proposed amendment does change the scope and object of the bill.

"The point of order is well taken."

The amendment by Senator Bluechel to page 5, line 6 was ruled out of order.

There being no objection, the amendment by Senator Bluechel to page 5, line 23 was withdrawn.

Senator Bluechel moved adoption of the following amendment:

On page 6, section 5, line 8, after "mountains" and before the period on line 9, strike " , and no two members of the commission shall reside in the same county"

Debate ensued.

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

Senator Bluechel moved adoption of the following amendment:

On page 6, section 5, line 23, after "residence." insert "No member shall be appointed for more than two consecutive terms."

Debate ensued.

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

Senator Bluechel moved adoption of the following amendment:

On page 9, line 21, strike all of section 8 down through and including page 10, line 1 and insert the following:

"NEW SECTION. Sec. 8. There is added to Title 47 RCW a new section to read as follows:

(1) The department shall be organized into divisions, including the division of highways, the division of public transportation, the division of water transportation, the division of motor vehicles, and the division of transportation planning.

(2) The secretary may reorganize divisions in order to attain the maximum possible efficiency in the operation of the department. Each division shall be headed by an assistant secretary to be appointed by the secretary. The officers appointed under this section shall be exempt from the provisions of the state civil service law and shall be paid salaries to be fixed by the governor in accordance with the procedure established by law for the fixing of salaries for officers exempt from the operation of the state civil service law."

Senator Bluechel moved adoption of the following amendment to the amendment:

In the fourth line of the amendment in subsection (1) after "transportation" strike "the division of motor vehicles"

QUESTION OF CONSIDERATION

Senator Henry raised the question of consideration on the amendment by Senator Bluechel to page 9, line 21.

The Senate refused to consider the amendment by Senator Bluechel to page 9, line 21 on a rising vote.

On motion of Senator Bluechel, there being no objection, all remaining amendments by Senator Bluechel on the Secretary's desk with the exception of an amendment striking all material after the enacting clause and inserting new sections 1 through 81 were withdrawn.

Senator Bluechel moved adoption of the following amendment:

Strike all material after the enacting clause and insert the following:

"NEW SECTION. Section 1. There is added to Title 47 RCW a new section to read as follows:

The legislature hereby recognizes the following imperative needs within the state: To create a state-wide transportation development plan which identifies present status and sets goals for the future; to coordinate and centralize the regulation, licensing, and taxation of transportation modes; to promote and protect land use programs required in state and federal law; to coordinate transportation with the economic development of the state; to supply a broad framework in which regional, metropolitan, and local transportation needs can be related; to facilitate the supply of federal and state aid to those areas which will most benefit the state as a whole; to provide for more effective public involvement in the transportation planning and development process; to administer programs within the jurisdiction of this title relating to the safety of the state's transportation systems; and to coordinate and implement national transportation policy with the state transportation planning program.

The legislature finds and declares that placing all elements of transportation in a single department is fully consistent with and shall in no way impair the use of moneys in the motor vehicle fund exclusively for highway purposes.

Through this chapter, a unified department of transportation is created. To the jurisdiction of this department will be transferred the present powers, duties, and functions of the department of highways, the highway commission, the toll bridge authority, the department of motor vehicles, and the canal commission.

NEW SECTION. Sec. 2. There is added to Title 47 RCW a new section to read as follows:

As used in this title unless the context indicates otherwise:

(1) "Department" means the department of transportation created in section 3 of this 1975 amendatory act;

(2) "Commission" means the transportation commission created in section 5 of this 1975 amendatory act;

(3) "Secretary" means the secretary of transportation as provided for in section 4 of this 1975 amendatory act.

NEW SECTION. Sec. 3. There is added to Title 47 RCW a new section to read as follows:

(1) There is created a department of state government to be known as the department of transportation.

(2) All powers, duties, and functions vested by law in the department of highways, the state highway commission, the director of highways, the Washington toll bridge authority, the canal commission, and the department of motor vehicles (except those powers, duties, and functions relating to gambling regulation and those now vested in the business and professional administration) are transferred to the jurisdiction of the department, except those powers, duties, and functions which are expressly directed elsewhere in this or in any other act of the 1975 legislature.

(3) The urban arterial board is transferred to the jurisdiction of the department for its administration.

NEW SECTION. Sec. 4. There is added to Title 47 RCW a new section to read as follows:

The executive head of the department of transportation shall be the secretary of transportation, who shall be appointed by the transportation commission, with the consent of the senate, from a list of three names submitted to the transportation commission by the governor, shall serve until removed by the governor, with the approval of a majority of the commission, and shall be paid a salary to be fixed by the governor in accordance with the provisions of RCW 43.03.040. If a vacancy occurs in the office of secretary while the senate is not in session, the commission shall make a temporary appointment, from a list of three names submitted by the governor, until the next meeting of the senate, when the commission shall present to that body its nomination for the office.

NEW SECTION. Sec. 5. There is added to chapter 13, Laws of 1961 and to chapter 47.01 RCW a new section to read as follows:

There is hereby created a transportation commission, which shall consist of seven members appointed by the governor, with the consent of the senate. Not more than four members shall reside on the same side of the Cascade mountains. The present five members of the highway commission shall serve as five initial members of the transportation commission until their terms of office as highway commission members would have expired. The additional two members provided herein for the transportation commission shall be appointed for initial terms to expire on June 30, 1976, and June 30, 1981, respectively. Thereafter all terms shall be for six years. No elective state official or state officer or state employee shall be a member of the commission. Not more than four members of the commission shall at the time of appointment or thereafter during their respective terms of office be members of the same major political party. No commissioner shall be removed from office by the governor before the expiration of his term unless for cause of incapacity, incompetence, neglect of duty, or malfeasance in office.

or for a disqualifying change of residence. No member shall be appointed for more than two consecutive terms.

NEW SECTION. Sec. 6. There is added to chapter 13, Laws of 1961 and to chapter 47.01 RCW a new section to read as follows:

The commission shall meet at such times as it deems advisable but at least once every thirty days. It may adopt its own rules and regulations and may establish its own procedure. It shall act collectively in harmony with recorded resolutions or motions adopted by majority vote of at least four members. The commission may appoint an administrative secretary, and shall elect one of its members chairman for a term of one year. The chairman shall be able to vote on all matters before the commission.

Each member of the commission shall receive compensation of sixty dollars per day for each day actually spent in the performance of his duties and his actual necessary traveling and other expenses in going to, attending, and returning from meetings of the commission, and his actual and necessary traveling and other expenses incurred in the discharge of such duties as may be requested of him by a majority vote of the commission or by the secretary of transportation, but in no event shall a commissioner be compensated in any year for more than one hundred twenty days, except the chairman of the commission who may be paid compensation for not more than one hundred fifty days.

NEW SECTION. Sec. 7. There is added to chapter 13, Laws of 1961 and to chapter 47.01 RCW a new section to read as follows:

The transportation commission shall have the following functions, powers, and duties:

(1) To propose policies to be adopted by the legislature designed to assure the development and maintenance of a comprehensive and balanced state-wide transportation system which will meet the needs of the people of this state for safe and efficient transportation services. Wherever appropriate the plan shall provide for the use of integrated, intermodal transportation systems to implement the social, economic, and environmental policies, goals, and objectives of the people of the state, and especially to conserve nonrenewable natural resources including land and energy. To this end the commission shall:

(a) Develop transportation policies which are based on the policies, goals, and objectives expressed and inherent in existing state laws and as adopted by state agencies;

(b) Inventory the adopted policies, goals, and objectives of the local and area-wide governmental bodies of the state and define the role of the state, regional, and local governments in determining transportation policies, in planning, and in implementing the state transportation plan;

(c) Propose a transportation policy for the state, and after notice and public hearings, submit the proposal to the legislative transportation committee and the senate and house transportation and utilities committees by January 1, 1976, for consideration in the next legislative session;

(d) Establish a procedure for review and revision of the state transportation policy, for submission of proposed changes to the legislature, and for the amendment of the state transportation policy by the legislature;

(2) To establish the policy of the department to be followed by the secretary on each of the following items:

(a) To provide for the effective coordination of state transportation planning with national transportation policy, state and local land use policies, and local and regional transportation plans and programs;

(b) To provide for effective public involvement in transportation designed to elicit the public's views both with respect to adequate transportation services and appropriate means of minimizing adverse social, economic, environmental, and energy impact of transportation programs;

(c) To provide for the administration of grants in aid and other financial assistance to counties and municipal corporations for transportation purposes;

(d) To provide for the management, sale, and lease of property or property rights owned by the department which are not required for transportation purposes;

(3) To direct the secretary to prepare and submit to the commission a comprehensive and balanced state-wide transportation plan which shall be based on the transportation policy adopted by the legislature and applicable state and federal laws. After public notice and hearings, the commission shall adopt the plan and submit it to the legislative transportation committee and the senate and house transportation and utilities committees before January 1, 1978, for consideration in the next legislative session. The plan shall be reviewed and revised at the next regular session of the legislature and biennially thereafter:

(4) To approve and propose to the governor and to the legislature prior to the convening of each regular session a recommended budget for the operation of the department and for carrying out the program of the department for the ensuing biennium. The proposed budget shall separately state the appropriations to be made from the motor vehicle fund for highway purposes in accordance with constitutional limitations and appropriations and expenditures to be made from the general fund and other available sources for other operations and programs of the department;

(5) To review and authorize all departmental requests for legislation;

(6) To approve the issuance and sale of all bonds authorized by the legislature for capital construction of state highways, toll facilities, Columbia Basin county roads (for which reimbursement to the motor vehicle fund has been provided), urban arterial projects, and aviation facilities;

(7) To adopt such rules, regulations, and policy directives as may be necessary to carry out reasonably and properly those functions expressly vested in the commission by statute;

(8) To delegate any of its powers to the secretary of transportation whenever it deems it desirable for the efficient administration of the department and consistent with the purposes of this title;

(9) To exercise such other specific powers and duties as may be vested in the transportation commission by this or any other act of the 1975 legislature.

NEW SECTION. Sec. 8. There is added to Title 47 RCW a new section to read as follows:

(1) The department shall be organized into divisions, including the division of highways, the division of public transportation, the division of water transportation, the division of motor vehicles, and the division of transportation planning.

(2) The secretary may reorganize divisions in order to attain the maximum possible efficiency in the operation of the department. Each division shall be headed by an assistant secretary to be appointed by the secretary. The officers appointed under this section shall be exempt from the provisions of the state civil service law and shall be paid salaries to be fixed by the governor in accordance with the procedure established by law for the fixing of salaries for officers exempt from the operation of the state civil service law.

NEW SECTION. Sec. 9. There is added to Title 47 RCW a new section to read as follows:

The secretary may appoint a deputy secretary as may be needed for the performance of the duties and functions vested in the department. The secretary may delegate to officers within the several divisions of the department authority to employ personnel necessary to discharge the responsibilities of the department.

NEW SECTION. Sec. 10. There is added to Title 47 RCW a new section to read as follows:

The secretary shall establish such advisory councils as are necessary to carry out the purposes of section 1 of this 1975 amendatory act, and to insure adequate public participation in the planning and development of transportation facilities. Members of such councils shall serve at the pleasure of the secretary and may receive per diem and necessary expenses, in accordance with RCW 43.03.050 and 43.03.060, as now or hereafter amended.

NEW SECTION. Sec. 11. There is added to Title 47 RCW a new section to read as follows:

The secretary shall have the authority and it shall be his duty, subject to policy guidance from the commission:

(1) To serve as chief executive officer of the department with full administrative authority to direct all its activities;

(2) To organize the department as he may deem necessary to carry out the work and responsibilities of the department effectively;

(3) To designate and establish such transportation district or branch offices as may be necessary or convenient, and to appoint assistants and delegate any of his powers, duties, and functions to them or any officer or employee of the department as he deems necessary to administer the department efficiently;

(4) To direct and coordinate the programs of the various divisions of the department to assure that they achieve the greatest possible mutual benefit, produce a balanced overall effort, and eliminate unnecessary duplication of activity;

(5) To adopt all department rules which are subject to the adoption procedures contained in the state administrative procedure act except rules subject to adoption by the commission pursuant to statutes;

(6) To maintain and safeguard the official records of the department, including the commission's recorded resolutions and orders;

(7) To provide full staff support to the commission to assist it in carrying out its functions, powers, and duties and to execute the policy established by the commission pursuant to its legislative authority;

(8) To exercise all other powers and perform all other duties as are now or hereafter provided by law.

NEW SECTION. Sec. 12. There is added to Title 47 RCW a new section to read as follows:

(1) All employees and personnel of the department of highways, the highway commission, the toll bridge authority, the canal commission, and the department of motor vehicles (except personnel whose primary duties relate to gambling regulation or the business and professional administration), shall, on July 1, 1975, be transferred to the jurisdiction of the department of transportation. All employees classified under chapter 41.06 RCW, the state civil service law, shall be assigned to the department to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with bargaining agreements and the laws and rules governing the state merit system.

(2) Any officer or employee of any of the agencies mentioned hereinabove who holds an exempt position with his agency and who previously held permanent status in a classified position shall on or after July 1, 1975, have a right of reversion to the highest class of position previously held, and may continue his employment in the department of transportation at such class of position subject to any action that may be appropriate thereafter in accordance with the laws and rules governing the state merit system.

NEW SECTION. Sec. 13. The lawfully adopted rules and regulations of the Washington state highway commission, the Washington toll bridge authority, the canal commission, and the director of motor vehicles (relating to functions and duties transferred to the department of transportation by section 3 of this 1975 amendatory act) in effect on June 30, 1975, shall continue to have full force and effect and be applicable until superseded by, or repealed by, rules and regulations lawfully adopted by the secretary of transportation or the transportation commission as provided in sections 7 and 11 of this 1975 amendatory act.

NEW SECTION. Sec. 14. There is added to chapter 1, Laws of 1961 and to chapter 41.06 RCW a new section to read as follows:

In addition to the exemptions set forth in RCW 41.06.070, the provisions of this chapter shall not apply in the department of transportation to the secretary, a deputy secretary, an administrative assistant to the secretary, if any, one assistant secretary for each division designated pursuant to section 8 of this 1975 amendatory act, and one confidential secretary for each of the above-named officers. The individuals appointed under this section shall be exempt from the provisions of the state civil service law, and

shall be paid salaries to be fixed by the governor in accordance with the procedure established by law for the fixing of salaries for individuals exempt from the operation of the state civil service law.

NEW SECTION. Sec. 15. If on the effective date of this 1975 amendatory act, any exempt position designated hereinabove has not been filled by appointment, the person serving in the comparable exempt position, if any, in an agency whose functions are by section 3 of this 1975 amendatory act transferred to the department of transportation shall fill such exempt position until a permanent appointment thereto has been made.

NEW SECTION. Sec. 16. Nothing in this 1975 amendatory act shall be construed to affect any existing rights acquired under the sections amended or repealed herein except as to the governmental agencies referred to and their officials and employees, nor as affecting any actions, activities, or proceedings validated thereunder, nor as affecting any civil or criminal proceedings instituted thereunder, nor any rule, regulation, resolution or order promulgated thereunder, nor any administrative action taken thereunder; and neither the abolition of any agency nor any transfer of powers, duties, and functions as provided herein, shall affect the validity of any act performed by such agency or any officer thereof prior to the effective date of this 1975 amendatory act.

NEW SECTION. Sec. 17. Nothing contained in this 1975 amendatory act shall be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until any such agreement has expired.

NEW SECTION. Sec. 18. All reports, documents, surveys, books, records, files, papers, or other writings in the possession of the department of highways, the highway commission, the toll bridge authority, the canal commission, and the department of motor vehicles (except those papers relating to gambling regulations and the business and professional administration) shall be delivered on the effective date of this 1975 amendatory act, to the custody of the department of transportation.

All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed in carrying out the powers, duties, and functions transferred to the department of transportation by section 3 of this 1975 amendatory act shall be made available on the effective date of this 1975 amendatory act, to the department. All funds, credits, or other assets held in connection with the functions so transferred shall by such time be assigned to the department of transportation.

Any appropriations heretofore made to the department of highways, the highway commission, the toll bridge authority, the canal commission, and the department of motor vehicles for the purpose of carrying out the powers, duties, and functions transferred in section 3 of this 1975 amendatory act, shall on the effective date of this 1975 amendatory act, be so transferred and credited to the department of transportation for the purpose of carrying out such transferred powers, duties, and functions.

Whenever any question arises as to the transfer of any funds including unexpended balances within any accounts, books, documents, records, papers, files, equipment, or any other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred under section 3 of this 1975 amendatory act, the director of the office of program planning and fiscal management or his successor shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

NEW SECTION. Sec. 19. All state officials required to maintain contact with or provide services for any of the departments or agencies whose functions are transferred by section 3 of this 1975 amendatory act shall continue to perform such services for the department of transportation unless otherwise directed by this title.

NEW SECTION. Sec. 20. While any bonds, whether definitive, temporary, or interim, or warrants, certificates, or receipts of any denomination, with or without coupons attached heretofore issued by the toll bridge authority, the highway commission, or any of the other agencies whose functions are transferred to the department of transportation by section 3 of this 1975 amendatory act, remain outstanding, the powers and duties relating thereto of such agencies or of any official or employee thereof transferred by section 12 of this 1975 amendatory act to the department of transportation, or any

powers and duties of any other state official or state agency with respect to such bonds, warrants, certificates, or receipts shall not be diminished or impaired in any manner that will adversely affect the interests and rights of the holders of such bonds, warrants, certificates, or receipts. The holder of any such bond, warrant certificate, or receipt may by mandamus or other appropriate proceeding require the performance by the department of transportation, or other appropriate state official or agency, of any of the duties heretofore imposed upon any state department, official, or employee under the terms of any such prior bond, warrant, certificate, or receipt agreement or sale: PROVIDED, That the enumeration of such rights and remedies herein shall not be deemed to exclude the exercise or prosecution of any other rights or remedies by the holders of such bonds, warrants, certificates, or receipts.

Sec. 21. Section 1, chapter 11, Laws of 1971 and RCW 43.17.010 are each amended to read as follows:

There shall be departments of the state government which shall be known as (1) the department of social and health services, (2) the department of ecology, (3) the department of labor and industries, (4) the department of agriculture, (5) the department of fisheries, (6) the department of game, (7) the department of [highways] *transportation*, (8) [the department of motor vehicles, (9)] the department of general administration, [(10)] (9) the department of commerce and economic development, and [(11)] (10) the department of revenue, which shall be charged with the execution, enforcement, and administration of such laws, and invested with such powers and required to perform such duties, as the legislature may provide.

Sec. 22. Section 2, chapter 11, Laws of 1971 and RCW 43.17.020 are each amended to read as follows:

There shall be a chief executive officer of each department to be known as: (1) The secretary of social and health services, (2) the director of ecology, (3) the director of labor and industries, (4) the director of agriculture, (5) the director of fisheries, (6) the director of game, (7) the [director of highways] *secretary of transportation*, (8) [the director of motor vehicles, (9)] the director of general administration, [(10)] (9) the director of commerce and economic development, and [(11)] (10) the director of revenue.

Such officers, except the [director of highways] *secretary of transportation* and the director of game, shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. If a vacancy occurs while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate, when he shall present to that body his nomination for the office. The [director of highways] *secretary of transportation* shall be appointed by the [state highway] *transportation* commission as prescribed in section 4 of this 1975 amendatory act, and the director of game shall be appointed by the game commission.

NEW SECTION. Sec. 23. There is added to Title 46 RCW a new section to read as follows:

Unless the language specifically indicates otherwise, or unless the context plainly requires a different interpretation:

Wherever in Title 46 RCW or in any provision in the Revised Code of Washington the term "department of motor vehicles", "department of licenses", or "department" when referring to the department of motor vehicles or the department of licenses (except when referring to a function related to gambling regulation or the business and professional administration) is used, it shall mean the department of transportation created in section 3 of this 1975 amendatory act.

Wherever in Title 46 RCW or in any provision in the Revised Code of Washington the term "director of motor vehicles", "director of licenses", or "director" when referring to the director of motor vehicles or the director of licenses (except when referring to a function related to gambling regulation or the business and professional administration) is used, it shall mean the secretary of transportation, whose office is created in section 4 of this 1975 amendatory act.

NEW SECTION. Sec. 24. There is added to Title 47 RCW a new section to read as follows:

Unless the language specifically indicates otherwise, or unless the context plainly requires a different interpretation:

Wherever in Title 47 RCW or in any provision in the Revised Code of Washington the term "Washington state highway commission", "the state highway commission", "the highway commission", "the commission" (when referring to the Washington state highway commission) "the department of highways", "Washington toll bridge authority", or "the authority" (when referring to the Washington toll bridge authority) is used, it shall mean the department of transportation created in section 3 of this 1975 amendatory act.

Wherever in Title 47 RCW or in any provision in the Revised Code of Washington the term "director of highways" is used, it shall mean the secretary of transportation, whose office is created in section 4 of this 1975 amendatory act.

NEW SECTION. Sec. 25. There is added to chapter 1.08 RCW a new section to read as follows:

For purposes of harmonizing and clarifying the provisions of the statute sections published in the revised code of Washington, the code reviser may substitute words designating the department of transportation or the secretary of transportation, as appropriate, whenever necessary to effect the changes in meaning provided for in sections 23 and 24 of this 1975 amendatory act or any other act of the 1975 legislature.

NEW SECTION. Sec. 26. (1) The transportation commission through the secretary of transportation, and in conjunction with the legislative transportation committee and the house and senate transportation and utilities committees, shall immediately undertake a study of the proper funding of the department of transportation, the state transportation systems and the functions vested in the department. The study shall encompass alternative sources of funding of both highway and nonhighway functions of the department.

(2) The transportation commission through the secretary of transportation shall prepare a proposed budget for the operations of the department of transportation for the biennium ending June 30, 1977, and in connection therewith shall obtain such data relating to the needs of the state transportation systems and functions as may be necessary.

(3) The transportation commission through the secretary of transportation shall present to the legislative transportation committee, the house and senate ways and means committees, and the house and senate transportation and utilities committees for their review not later than November 1, 1975, a preliminary budget including proposed alternative sources of funding for the department of transportation for the remainder of the biennium ending June 30, 1977.

NEW SECTION. Sec. 27. The chief of the Washington state patrol is designated as an official consultant to the transportation commission so that the goals and activities of the state patrol relating to traffic law enforcement and safety are fully coordinated with other related responsibilities of the department of transportation. In this capacity, the chief of the Washington state patrol shall consult with the transportation commission and the secretary of transportation on the traffic law enforcement and safety implications and impacts on the state patrol of any proposed comprehensive transportation plan, program, or policy.

In order to develop fully integrated, balanced, and coordinated transportation plans, programs, and budgets the chief of the Washington state patrol shall consult with the secretary of transportation on the matter of relative priorities during the development of the state patrol's plans, programs, and budgets as they pertain to transportation activities. The secretary of transportation shall provide written comments to the governor and the legislature on the extent to which the state patrol's final plans, programs, and budgets are compatible with the priorities established in the department of transportation's final plans, programs, and budgets.

Sec. 28. Section 47.01.070, chapter 13, Laws of 1961 and RCW 47.01.070 are each amended to read as follows:

In all situations wherein the director of highways or the director of motor vehicles

regarding the vehicle services division or the driver services division or any one of their designees, or any member of the highway commission, the toll bridge authority, or the canal commission or any one of their designees was on [July 1, 1951] the effective date of this 1975 amendatory act, designated or serving as a member of any board, commission, committee, or authority, the [state highway commission] secretary of transportation shall hereafter determine who shall serve as such member.

Sec. 29. Section 46.44.080, chapter 12, Laws of 1961 as amended by section 1, chapter 15, Laws of 1973 2nd ex. sess. and RCW 46.44.080 are each amended to read as follows:

Local authorities with respect to public highways under their jurisdiction may prohibit the operation thereon of motor trucks or other vehicles or may impose limits as to the weight thereof, or any other restrictions as may be deemed necessary, whenever any such public highway by reason of rain, snow, climatic or other conditions, will be seriously damaged or destroyed unless the operation of vehicles thereon be prohibited or restricted or the permissible weights thereof reduced: PROVIDED, That whenever a highway has been closed generally to vehicles or specified classes of vehicles, local authorities shall by general rule or by special permit authorize the operation thereon of school buses, emergency vehicles, and motor trucks transporting perishable commodities or commodities necessary for the health and welfare of local residents under such weight and speed restrictions as the local authorities deem necessary to protect the highway from undue damage: PROVIDED FURTHER, That the governing authorities of incorporated cities and towns shall not prohibit the use of any city street designated by the [state highway] transportation commission as forming a part of the route of any primary state highway through any such incorporated city or town by vehicles or any class of vehicles or impose any restrictions or reductions in permissible weights unless such restriction, limitation, or prohibition, or reduction in permissible weights be first approved in writing by the [highway commission] department of transportation.

The local authorities imposing any such restrictions or limitations, or prohibiting any use or reducing the permissible weights shall do so by proper ordinance or resolution and shall erect or cause to be erected and maintained signs designating the provisions of the ordinance or resolution in each end of the portion of any public highway affected thereby, and no such ordinance or resolution shall be effective unless and until such signs are erected and maintained.

The [highway commission] department shall have the same authority as hereinabove granted to local authorities to prohibit or restrict the operation of vehicles upon state highways [, which rules shall be administered by the department of highways] . The department [of highways] shall give public notice of closure or restriction. The [highway commission] department may [further authorize the department of highways to] issue special permits for the operation of school buses and motor trucks transporting perishable commodities or commodities necessary for the health and welfare of local residents under specified weight and speed restrictions as may be necessary to protect any state highway from undue damage.

Sec. 30. Section 46.44.090, chapter 12, Laws of 1961 and RCW 46.44.090 are each amended to read as follows:

The [state highway] department of transportation, pursuant to rules adopted by the transportation commission with respect to [primary and secondary] state highways and local authorities with respect to public highways under their jurisdiction may, upon application in writing and good cause being shown therefor, issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size, weight of vehicle or load exceeding the maximum specified in this chapter or otherwise not in conformity with the provisions of this chapter upon any public highway under the jurisdiction of the authority granting such permit and for the maintenance of which such authority is responsible.

No overweight permit shall be issued to any vehicle or combination of vehicles unless such vehicle or combination of vehicles is licensed for the maximum gross weight allowed by law.

Sec. 31. Section 46.44.091, chapter 12, Laws of 1961 as amended by section 30,

chapter 281, Laws 1969 ex. sess. and RCW 46.44.091 are each amended to read as follows:

No special permit shall be issued for movement on any [primary or secondary] state highway or route of any state [primary or secondary] highway within the limits of any city or town where the gross weight, including load, exceeds twenty-two thousand pounds on a single axle or forty-three thousand pounds on any group of axles having a wheelbase between the first and last axle thereof less than ten feet: PROVIDED, That the weight limitations pertaining to single axles may be exceeded to permit the movement of equipment operating upon single pneumatic tires having a rim width of twenty inches or more and a rim diameter of twenty-four inches or more or dual pneumatic tires having a rim width of sixteen inches or more and a rim diameter of twenty-four inches or more: PROVIDED FURTHER, That permits may be issued for weights in excess of the preceding limitations on highways or sections of highways which have been designed and constructed for weights in excess of such limitations; or these limitations may be rescinded when certification is made by military officials or by officials of public or private power facilities, when [in the opinion of the highway commission] *the department of transportation, pursuant to general rules adopted by the transportation commission, determines that such movement or action is a necessary movement or action*: PROVIDED FURTHER, That the structures and highway surfaces on the routes involved are determined to be capable of sustaining weights in excess of such limitations. Application shall be made in writing on special forms provided by the [highway commission] *department of transportation* and shall be submitted at least thirty-six hours in advance of the proposed movement.

Sec. 32. Section 46.44.092, chapter 12, Laws of 1961 as last amended by section 1, chapter 9, Laws of 1970 ex. sess. and RCW 46.44.092 are each amended to read as follows:

No special permit shall be issued for movement on any two lane state highway outside the limits of any city or town where the overall width of load exceeds fourteen feet, or on any multiple lane state highway where the overall width of load exceeds thirty-two feet; except that on multiple lane state highways where a physical barrier serving as a median divider separates the oncoming and opposing traffic lanes, no special permit shall be issued for width in excess of twenty feet: PROVIDED, That (1) these width limitations may be exceeded on state highways where the latest available traffic figures show that the highway or section of highway carries less than one hundred vehicles per day: PROVIDED FURTHER, That in the case of buildings, the limitations referred to in this section for movement on any two lane state highway other than the national system of interstate and defense highways may be exceeded under the following conditions: (a) Uninterrupted vehicular traffic shall be maintained in one direction at all times; (b) maximum distance of movement shall not exceed five miles; additional contiguous permits shall not be issued to exceed the five-mile limit: PROVIDED, That when [in the opinion of the highway commission] *the department of transportation, pursuant to general rules adopted by the transportation commission, determines a hardship would result*, this limitation may be exceeded upon approval of the [commission] *department of transportation*; (c) prior to issuing a permit a qualified [highway] *transportation* department employee shall make a visual inspection of the building and route involved determining that the conditions listed herein shall be complied with and that structures or overhead obstructions may be cleared or moved in order to maintain a constant and uninterrupted movement; (d) special escort or other precautions may be imposed to assure movement is made under the safest possible conditions, and the Washington state patrol shall be advised when and where the movement is to be made; (2) permits may be issued for widths of vehicles in excess of the preceding limitations on highways or sections of highways which have been designed and constructed for width in excess of such limitations; (3) these limitations may be rescinded when certification is made by military officials or by officials of public or private power facilities, when in the opinion of the [highway commission] *department of transportation*, the movement or action is a necessary emergency movement or action: PROVIDED FURTHER, That the structures and highway surfaces on the routes involved are determined to be capable of sus-

taining widths in excess of such limitation; (4) these limitations shall not apply to farmers moving farm machinery between farms during daylight hours if the movement does not pass along and upon any [primary or secondary] state highway for a distance greater than one hundred miles, if properly patrolled and flagged; (5) these limitations shall not apply to movement during daylight hours on any two lane state highway where the gross weight, including load, does not exceed forty-five thousand pounds and the overall width of load does not exceed sixteen feet: PROVIDED, That the minimum and maximum speed of such movement, prescribed routes of such movements, the times of such movements, limitation upon frequency of trips (which limitation shall be not less than one per week), and conditions to assure safety of traffic may be prescribed by the [highway commission] *department of transportation* or local authority issuing such special permit.

The applicant for any special permit shall specifically describe the vehicle or vehicles and load to be operated or moved and the particular state highways for which permit to operate is requested and whether such permit is requested for a single trip or for continuous operation.

Sec. 33. Section 46.44.095, chapter 12, Laws of 1961 as last amended by section 1, chapter 76, Laws of 1974 ex. sess. and RCW 46.44.095 are each amended to read as follows:

When fully licensed to the maximum gross weight permitted under RCW 46.44.040, a two-axle truck or a three-axle truck operated as a solo unit and not in combination shall be eligible to carry gross weight in excess of that permitted for such a vehicle in RCW 46.44.040 upon the payment to the [state highway commission] *department of transportation* of a fee of thirty dollars for each one thousand pounds of excess weight: PROVIDED, That the axle loads of such vehicles shall not exceed the limits specified in RCW 46.44.040 and the tire limits specified in RCW 46.44.042 or the wheel-base requirements specified in RCW 46.44.044.

When fully licensed to a minimum gross weight of seventy-two thousand pounds a three or more axle truck tractor and a three or more axle dromedary truck tractor, and a three or more axle truck, when operating in combination with another vehicle or vehicles (the licensed gross weight of which, if any, shall be included when computing the minimum gross weights set forth above), shall be eligible under special permits to be issued by the [state highway commission] *department of transportation* to carry additional gross loads beyond the licensed capacity of the combination of vehicles upon the payment of a fee based upon thirty dollars per year for each one thousand pounds of such additional gross weight but not to exceed one hundred and twenty dollars for the total additional weight: PROVIDED, That the axle loads of such vehicles shall not exceed the limits specified in RCW 46.44.040 and the tire limits specified in RCW 46.44.042: AND PROVIDED FURTHER, That the gross weight of a three or more axle truck operated in combination with a two or three-axle trailer shall not exceed seventy-six thousand pounds, and the gross weight for a three or more axle truck tractor operated in combination with a semitrailer shall not exceed seventy-three thousand two hundred eighty pounds except where the semitrailer is eligible to carry a gross load of thirty-six thousand pounds pursuant to the provisions of RCW 46.44.040, in which event the maximum gross weight of the combination shall not exceed seventy-six thousand pounds. The minimum additional tonnage to be purchased pursuant to this paragraph for a three or more axle tractor to be operated in combination with a semitrailer shall be not less than one thousand two hundred and eighty pounds. The permits provided for in the two preceding paragraphs shall be known as class A additional tonnage permits.

In addition to the gross weight purchased pursuant to RCW 46.16.070, 46.16.115, 46.44.037, and the foregoing provisions of this section and where, in the case of combinations of vehicles, the maximum gross weight permitted by law, including the preceding provisions of this section, has been purchased, a special permit for additional gross weight may be issued by the [state highway commission] *department of transportation* upon the payment of thirty-seven dollars and fifty cents per year for each one thousand pounds of such additional gross weight: PROVIDED, The tire limits specified in RCW 46.44.042 shall apply, and the gross weight on any single axle shall not exceed

twenty thousand pounds and the gross load on any group of axles shall not exceed the following table:

Distance in
feet be-
tween the
extremes
of any
group of 2
or more
consecutive
axles

Maximum load in pounds
carried on any group of 2
or more consecutive axles

	2 axles	3 axles	4 axles	5 axles	6 axles	7 axles	8 axles	9 axles
4	34,000							
5	34,000							
6	34,000							
7	34,000							
8	34,000	42,000						
9	39,000	42,500						
10	40,000	43,500						
11		44,000						
12		45,000	50,000					
13		45,500	50,500					
14		46,500	51,500					
15		47,000	52,000					
16		48,000	52,500	58,000				
17		48,500	53,500	58,500				
18		49,500	54,000	59,000				
19		50,000	54,500	60,000				
20		51,000	55,500	60,500	66,000			
21		51,500	56,000	61,000	66,500			
22		52,500	56,500	61,500	67,000			
23		53,000	57,500	62,500	68,000			
24		54,000	58,000	63,000	68,500	74,000		
25		54,500	58,500	64,500	69,000	74,500		
26		55,500	59,500	65,000	69,500	75,000		
27		56,000	60,000	65,000	70,000	75,500		
28		57,000	60,500	65,500	71,000	76,500	82,000	
29		57,500	61,500	66,000	71,500	77,000	82,500	
30		58,500	62,000	66,500	72,000	77,500	83,000	
31		59,000	62,500	67,500	72,500	78,000	83,500	
32		60,000	63,500	68,000	73,000	78,500	84,500	90,000
33			64,000	68,500	74,000	79,000	85,000	90,500
34			64,500	69,000	74,500	80,000	85,500	91,000
35			65,500	70,000	75,000	80,500	86,000	91,500
36			66,000	70,500	75,500	81,000	86,500	92,000
37			66,500	71,000	76,000	81,500	87,000	93,000
38			67,500	72,000	77,000	82,000	87,500	93,500
39			68,000	72,500	77,500	82,500	88,500	94,000
40			68,500	73,000	78,000	83,500	89,000	94,500
41			69,500	73,500	78,500	84,000	89,500	95,000
42			70,000	74,000	79,000	84,500	90,000	95,500
43			70,500	75,000	80,000	85,000	90,500	96,000
44			71,500	75,500	80,500	85,500	91,000	96,500

	2 axles	3 axles	4 axles	5 axles	6 axles	7 axles	8 axles	9 axles
45			72,000	76,000	81,000	86,000	91,500	97,500
46			72,500	76,500	81,500	87,000	92,500	98,000
47			73,500	77,500	82,000	87,500	93,000	98,500
48			74,000	78,000	83,000	88,000	93,500	99,000
49			74,500	78,500	83,500	88,500	94,000	99,500
50			75,500	79,000	84,000	89,000	94,500	100,000
51			76,000	80,000	84,500	89,500	95,000	100,500
52			76,500	80,500	85,000	90,500	95,500	101,000
53			77,500	81,000	86,000	91,000	96,500	102,000
54			78,000	81,500	86,500	91,500	97,000	102,500
55			78,500	82,500	87,500	92,000	97,500	103,000
56			79,500	83,000	87,500	92,500	98,000	103,500
57			80,000	83,500	88,000	93,000	98,500	104,000
58				84,000	89,000	94,000	99,000	104,500
59				85,000	89,500	94,500	99,500	105,000
60				85,500	90,000	95,000	100,500	105,500

Permits issued pursuant to the foregoing paragraph shall be known as class B additional tonnage permits.

The special permits provided for in this section shall be issued [under such rules and regulations and] upon such terms and conditions as may be prescribed by the [state highway] *department pursuant to general rules adopted by the transportation commission*. Such special permits shall entitle the permittee to carry such additional load in such an amount and upon such highways or sections of highways as may be determined by the [state highway commission] *department of transportation* to be capable of withstanding such increased gross load without undue injury to the highway: PROVIDED, That the permits shall not be valid on any highway where the use of such permits would deprive this state of federal funds for highway purposes.

The annual additional tonnage permits provided for in this section shall commence on the first of January of each year. The permits may be purchased at any time, and if they are purchased for less than a full year, the fee shall be one-twelfth of the full fee multiplied by the number of months, including any fraction thereof, covered by the permit. When the department issues a duplicate permit to replace a lost or destroyed permit and where the department transfers a permit from one vehicle to another a fee of five dollars shall be charged for each such duplicate issued or each such transfer. The [state highway commission] *department of transportation* shall issue such special permits on a temporary basis for periods not less than ten days at a fee of one dollar per day in the case of class A permits and not less than five days at two dollars per day in the case of class B permits.

The fees levied in RCW 46.44.094 and this section shall not apply to any vehicles owned and operated by the state of Washington, any county within the state or any city or town or metropolitan municipal corporation within the state, or by the federal government.

In the case of fleets prorating license fees under the provisions of chapter 46.85 RCW the fees provided for in RCW 46.44.037 and 46.44.095 shall be computed by the [state highway commission] *department of transportation* by applying the proportion of the Washington mileage of the fleet in question to the total mileage of the fleet as reported pursuant to chapter 46.85 RCW to the fees that would be required to purchase the additional weight allowance for all eligible vehicles or combinations of vehicles for which the extra weight allowance is requested.

The [state highway commission] *department of transportation* shall prorate the fees provided in RCW 46.44.037 and 46.44.095 only if the name of the operator or owner is submitted on official listings of authorized fleet operators furnished by the department of motor vehicles. Listings furnished shall also include the percentage of mileage operated in Washington, which shall be the same percentage as determined by the department of motor vehicles, for purposes of prorating license fees.

Sec. 34. Section 2, chapter 16, Laws of 1963 as last amended by section 1, chapter 103, Laws of 1974 ex. sess. and RCW 46.61.405 are each amended to read as follows:

Whenever the [state highway commission] *secretary of transportation* shall determine upon the basis of an engineering and traffic investigation that any maximum speed hereinbefore set forth is greater than is reasonable or safe with respect to a state highway under the conditions found to exist at any intersection or upon any other part of the state highway system or at state ferry terminals, or that a general reduction of any maximum speed hereinbefore set forth would aid in the conservation of energy resources, [said commission] *the secretary* may determine and declare a *reasonable and safe* lower maximum limit or a lower maximum limit which will reasonably conserve energy resources, for any state highway, the entire state highway system, or any portion thereof, which shall be effective when appropriate signs giving notice thereof are erected. The [commission] *secretary* may also fix and regulate the speed of vehicles on any state highway within the maximum speed limit allowed by this chapter for special occasions including, but not limited to, local parades and other special events. Any such maximum speed limit may be declared to be effective at all times or at such times as are indicated upon the said signs; and differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective (a) when posted upon appropriate fixed or variable signs or (b) if a maximum limit is established for auto stages which is lower than the limit for automobiles, the auto stage speed limit shall become effective thirty days after written notice thereof is mailed in the manner provided in subsection (4) of RCW 46.61.410, *as now or hereafter amended*.

Sec. 35. Section 3, chapter 16, Laws of 1963 as last amended by section 2, chapter 103, Laws of 1974 ex. sess. and RCW 46.61.410 are each amended to read as follows:

(1) Subject to subsection (2) below the [state highway commission] *secretary* may increase the maximum speed limit on any highway or portion thereof to not more than seventy miles per hour in accordance with the design speed thereof (taking into account all safety elements included therein), or whenever [said commission] *the secretary* determines upon the basis of an engineering and traffic investigation that such greater speed is reasonable and safe under the circumstances existing on such part of the highway. The greater maximum limit so determined shall be effective, when appropriate signs giving notice thereof are erected, or if a maximum limit is established for auto stages which is lower than the limit for automobiles, the auto stage speed limit shall become effective thirty days after written notice thereof is mailed in the manner provided in subsection (4) of this section.

Such maximum speed limit may be declared to be effective at all times or at such times as are indicated upon said signs or in the case of auto stages, as indicated in said written notice; and differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective when posted upon appropriate fixed or variable signs or if a maximum limit is established for auto stages which is lower than the limit for automobiles, the auto stage speed limit shall become effective thirty days after written notice thereof is mailed in the manner provided in subsection (4) of this section.

(2) The maximum speed limit for vehicles over ten thousand pounds gross weight and vehicles in combination except auto stages shall not exceed sixty miles per hour and may be established at a lower limit by the [state highway commission] *secretary* as provided in RCW 46.61.405, *as now or hereafter amended*.

(3) The word "trucks" used by the [state highway commission] *department* on signs giving notice of maximum speed limits shall mean vehicles over ten thousand pounds gross weight and all vehicles in combination except auto stages.

(4) Whenever the [state highway commission] *secretary* shall establish maximum speed limits for auto stages lower than the maximum limits for automobiles, the secretary [of the state highway commission] shall [mail] *cause to be mailed* notice thereof to each auto transportation company holding a certificate of public convenience and necessity issued by the Washington utilities and transportation commission. The notice shall be mailed to the chief place of business within the state of Washington of each auto

transportation company or if none then its chief place of business without the state of Washington.

Sec. 36. Section 4, chapter 16, Laws of 1963 as amended by section 3, chapter 103, Laws of 1974 ex. sess. and RCW 46.61.415 are each amended to read as follows:

(1) Whenever local authorities in their respective jurisdictions determine on the basis of an engineering and traffic investigation that the maximum speed permitted under [this act] RCW 46.61.400 or 46.61.440 is greater or less than is reasonable and safe under the conditions found to exist upon a highway or part of a highway, the local authority may determine and declare a reasonable and safe maximum limit thereon which

- (a) Decreases the limit at intersections; or
- (b) Increases the limit but not to more than sixty miles per hour; or
- (c) Decreases the limit but not to less than twenty miles per hour.

(2) Local authorities in their respective jurisdictions shall determine by an engineering and traffic investigation the proper maximum speed for all arterial streets and shall declare a reasonable and safe maximum limit thereon which may be greater or less than the maximum speed permitted under RCW 46.61.400(2) but shall not exceed sixty miles per hour.

(3) The [state highway commission] *secretary of transportation* is authorized to establish speed limits on county roads and city and town streets as shall be necessary to conform with any federal requirements which are a prescribed condition for the allocation of federal funds to the state.

(4) Any altered limit established as hereinbefore authorized shall be effective when appropriate signs giving notice thereof are erected. Such maximum speed limit may be declared to be effective at all times or at such times as are indicated upon such signs; and differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective when posted upon appropriate fixed or variable signs.

(5) Any alteration of maximum limits on state highways within incorporated cities or towns by local authorities shall not be effective until such alteration has been approved by the [state highway commission] *secretary of transportation*.

Sec. 37. Section 6, chapter 16, Laws of 1963 as last amended by section 1, chapter 135, Laws of 1969 and RCW 46.61.425 are each amended to read as follows:

(1) No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law: PROVIDED, That a person following a vehicle driving at less than the legal maximum speed and desiring to pass such vehicle may exceed the speed limit, subject to the provisions of RCW 46.61.120 on highways having only one lane of traffic in each direction, at only such a speed and for only such a distance as is necessary to complete the pass with a reasonable margin of safety.

(2) Whenever the [state highway commission] *secretary of transportation* or local authorities within their respective jurisdictions determine on the basis of an engineering and traffic investigation that slow speeds on any part of a highway unreasonably impede the normal movement of traffic, the [commission] *secretary* or such local authority may determine and declare a minimum speed limit thereat which shall be effective when appropriate signs giving notice thereof are erected. No person shall drive a vehicle slower than such minimum speed limit except when necessary for safe operation or in compliance with law.

Sec. 38. Section 46.48.041, chapter 12, Laws of 1961 as amended by section 4, chapter 103, Laws of 1974 ex. sess. and RCW 46.61.430 are each amended to read as follows:

Notwithstanding any law to the contrary or inconsistent herewith, the [Washington state highway commission] *secretary of transportation* shall have the power and the duty to fix and regulate the speed of vehicles within the maximum speed limit allowed by law for state highways, designated as limited access facilities, regardless of whether a portion of said highway is within the corporate limits of a city or town. No governing body or authority of such city or town or other political subdivision may have the power to pass

or enforce any ordinance, rule, or regulation requiring a different rate of speed, and all such ordinances, rules, and regulations contrary to or inconsistent therewith now in force are void and of no effect.

Sec. 39. Section 46.48.080, chapter 12, Laws of 1961 and RCW 46.61.450 are each amended to read as follows:

It shall be unlawful for any person to operate a vehicle or any combination of vehicles over any bridge or other elevated structure or through any tunnel or underpass constituting a part of any public highway at a rate of speed or with a gross weight or of a size which is greater at any time than the maximum speed or maximum weight or size which can be maintained or carried with safety over any such bridge or structure or through any such tunnel, or underpass when such bridge, structure, tunnel or underpass is sign posted as hereinafter provided. The [state highway commission] *secretary of transportation*, if it be a bridge, structure, tunnel, or underpass upon a state highway, or the governing body or authorities of any county, city, or town, if it be upon roads or streets under their jurisdiction, may restrict the speed which may be maintained or the gross weight or size which may be operated upon or over any such bridge or elevated structure or through any such tunnel or underpass with safety thereto. The [state highway commission] *secretary* or the governing body or authorities of any county, city, or town having jurisdiction shall determine and declare the maximum speed or maximum gross weight or size which such bridge, elevated structure, tunnel, or underpass can withstand or accommodate and shall cause suitable signs stating such maximum speed or maximum gross weight, or size, or either, to be erected and maintained on the right hand side of such highway, road, or street and at a distance of not less than one hundred feet from each end of such bridge, structure, tunnel, or underpass and on the approach thereto: PROVIDED, That in the event that any such bridge, elevated structure, tunnel, or underpass is upon a city street designated by the [state highway] *transportation* commission as forming a part of the route of any state highway through any such incorporated city or town the determination of any maximum speed or maximum gross weight or size which such bridge, elevated structure, tunnel, or underpass can withstand or accommodate shall nor be enforceable at any speed, weight, or size less than the maximum allowed by law, unless with the approval in writing of the [state highway commission] *secretary*. Upon the trial of any person charged with a violation of this section, proof of either violation of maximum speed or maximum weight, or size, or either, and the distance and location of such signs as are required, shall constitute conclusive evidence of the maximum speed or maximum weight, or size, or either, which can be maintained or carried with safety over such bridge or elevated structure or through such tunnel or underpass.

Sec. 40. Section 66, chapter 155, Laws of 1965 ex. sess. as amended by section 35, chapter 62, Laws of 1975 and RCW 46.61.570 are each amended to read as follows:

(1) Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic-control device, no person shall:

- (a) Stop, stand, or park a vehicle:
 - (i) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
 - (ii) On a sidewalk or street planting strip;
 - (iii) Within an intersection;
 - (iv) On a crosswalk;
 - (v) Between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the ends of a safety zone, unless official signs or markings indicate a different no-parking area opposite the ends of a safety zone;
 - (vi) Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;
 - (vii) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
 - (viii) On any railroad tracks;
 - (ix) In the area between roadways of a divided highway including crossovers; or

- (x) At any place where official signs prohibit stopping [.] ;
- (b) Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:
 - (i) In front of a public or private driveway or within five feet of the end of the curb radius leading thereto;
 - (ii) Within fifteen feet of a fire hydrant;
 - (iii) Within twenty feet of a crosswalk;
 - (iv) Within thirty feet upon the approach to any flashing signal, stop sign, yield signs, or traffic control signal located at the side of a roadway;
 - (v) Within twenty feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five feet of said entrance when properly signposted; or
 - (vi) At any place where official signs prohibit standing [.] ;
- (c) Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading property or passengers:
 - (i) Within fifty feet of the nearest rail of a railroad crossing; or
 - (ii) At any place where official signs prohibit parking.

(2) Parking or standing shall be permitted in the manner provided by law at all other places except a time limit may be imposed or parking restricted at other places, but such limitation and restriction shall be by city ordinance or county resolution or order of the [state highway commission] *secretary of transportation* upon highways under their respective jurisdictions.

(3) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such a distance as is unlawful.

(4) It shall be unlawful for any person to reserve or attempt to reserve any portion of a highway for the purpose of stopping, standing, or parking to the exclusion of any other like person, nor shall any person be granted such right.

Sec. 41. Section 67, chapter 155, Laws of 1965 ex. sess. as amended by section 36, chapter 62, Laws of 1975 and RCW 46.61.575 are each amended to read as follows:

(1) Except as otherwise provided in this section, every vehicle stopped or parked upon a two-way roadway shall be so stopped or parked with the right-hand wheels parallel to and within twelve inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder.

(2) Except when otherwise provided by local ordinance, every vehicle stopped or parked upon a one-way roadway shall be so stopped or parked parallel to the curb or edge of the roadway, in the direction of authorized traffic movement, with its right-hand wheels within twelve inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder, or with its left-hand wheels within twelve inches of the left-hand curb or as close as practicable to the left edge of the left-hand shoulder.

(3) Local authorities may by ordinance or resolution permit angle parking on any roadway, except that angle parking shall not be permitted on any federal-aid or state highway unless the [state highway commission] *secretary of transportation* has determined by [resolution or] order that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

(4) The [state highway commission] *secretary* with respect to highway under [its] *his* jurisdiction may place official traffic control devices prohibiting, limiting, or restricting the stopping, standing, or parking of vehicles on any highway where [in its opinion, as evidenced by resolution or] *the secretary has determined by order*, such stopping, standing, or parking is dangerous to those using the highway or where the stopping, standing, or parking of vehicles would unduly interfere with the free movement of traffic thereon. No person shall stop, stand, or park any vehicle in violation of the restrictions indicated by such devices.

Sec. 42. Section 46.68.120, chapter 12, Laws of 1961 as last amended by section 47, chapter 195, Laws of 1973 1st ex. sess. and RCW 46.68.120 are each amended to read as follows:

Funds to be paid to the counties of the state shall be subject to deduction and distribution as follows:

(1) Three-fourths of one percent of such sums shall be deducted monthly as such sums accrue and set aside for the use of the [state highway commission] *department of transportation* and the county road administration board for the supervision of work and expenditures of such counties on the county roads thereof, *including the supervision and administration of federal-aid programs for which the department of transportation has responsibility*: That any moneys so retained and not expended shall be credited in the succeeding biennium to the counties in proportion to deductions herein made;

(2) All sums required to be repaid to counties composed entirely of islands shall be deducted;

(3) The balance remaining to the credit of counties after such deductions shall be paid to the several counties monthly, as such funds accrue, upon the basis of the following formula:

(a) Ten percent of such sum shall be divided equally among the several counties.

(b) Thirty percent shall be paid to each county in direct proportion that the sum of the total number of private automobiles and trucks licensed by registered owners residing in unincorporated areas and seven percent of the number of private automobiles and trucks licensed by registered owners residing in incorporated areas within each county bears to the total of such sums for all counties. The number of registered vehicles so used shall be as certified by the [director of the] department of [motor vehicles] *transportation* for the year next preceding the date of calculation of the allocation amounts. The [director of the] department shall first supply such information not later than the fifteenth day of February, 1956, and on the fifteenth of February each two years thereafter.

(c) Thirty percent shall be paid to each county in direct proportion that the product of the county's trunk highway mileage and its prorated estimated annual cost per trunk mile as provided in subsection (e) is to the sum of such products for all counties. County trunk highways are defined as county roads regularly used by school buses and/or rural free delivery mail carriers of the United States post office department, but not foot carriers. Determination of the number of miles of county roads used in each county by school buses shall be based solely upon information supplied by the superintendent of public instruction who shall on October 1, 1955, and on October 1st of each odd-numbered year thereafter furnish the [state highway] *transportation* commission with a map of each county upon which is indicated the county roads used by school buses at the close of the preceding school year, together with a detailed statement showing the total number of miles of county highway over which school buses operated in each county during such year. Determination of the number of miles of county roads used in each county by rural mail carriers on routes serviced by vehicles during the year shall be based solely upon information supplied by the United States postal department as of January 1st of the even-numbered years.

(d) Thirty percent of such sum shall be paid to each of the several counties in the direct proportion that the product of the trunk highway mileage of the county and its "money need factor" as defined in subsection (f) is to the total of such products for all counties.

(e) Every four years, beginning with the 1958 allocation, the [highway] *transportation* commission and the legislative transportation committee shall reexamine or cause to be reexamined all the factors on which the estimated annual costs per trunk mile for the several counties have been based and shall make such adjustments as may be necessary. The following formula shall be used: One twenty-fifth of the estimated total county road replacement cost, plus the total annual maintenance cost, divided by the total miles of county road in such county, and multiplied by the result obtained from dividing the total miles of county road in said county by the total trunk road mileage in said county. For the purpose of allocating funds from the motor vehicle fund, a county road shall be defined as one established as such by resolution or order of establishment of the board of county commissioners. The first allocation of funds shall be based on the following prorated estimated annual costs per trunk mile for the several counties as follows:

Adams	\$1,227.00
Asotin	1.629.00

Benton	1,644.00
Chelan	2,224.00
Clallam	2,059.00
Clark	1,710.00
Columbia	1,391.00
Cowlitz	1,696.00
Douglas	1,603.00
Ferry	1,333.00
Franklin	1,612.00
Garfield	1,223.00
Grant	1,714.00
Grays Harbor	2,430.00
Island	1,153.00
Jefferson	2,453.00
King	2,843.00
Kitsap	1,938.00
Kittitas	1,565.00
Klickitat	1,376.00
Lewis	1,758.00
Lincoln	1,038.00
Mason	1,748.00
Okanogan	1,260.00
Pacific	2,607.00
Pend Oreille	1,753.00
Pierce	2,276.00
San Juan	1,295.00
Skagit	1,966.00
Skamania	2,023.00
Snohomish	2,269.00
Spokane	1,482.00
Stevens	1,068.00
Thurston	1,870.00
Wahkiakum	2,123.00
Walla Walla	1,729.00
Whatcom	1,738.00
Whitman	1,454.00
Yakima	1,584.00

PROVIDED, HOWEVER, That the prorated estimated annual costs per trunk mile in this subsection shall be adjusted every four years, beginning with the 1958 allocation by the [highway] *transportation* commission on the basis of changes in the trunk and total county road mileage based on information supplied by the superintendent of public instruction, the United States postal department and the annual reports of the county road departments.

(f) The "money need factor" for each of the several counties shall be the difference between the prorated estimated annual costs as listed above and the sum of the following three amounts divided by the county trunk highway mileage:

(1) The equivalent of a two dollar and twenty-five cents per thousand dollars of assessed value tax levy on the valuation, as equalized by the state department of revenue for state purposes, of all taxable property in the county road districts;

(2) One-fourth the sum of all funds received by the county from the federal forest reserve fund during the two calendar years next preceding the date of the adjustment of the allocation amounts as certified by the state treasurer; and

(3) One-half the sum of motor vehicle license fees and motor vehicle fuel tax refunded to the county during the two calendar years next preceding the date of the adjustment of the allocation amounts as provided in RCW 46.68.080. These shall be as supplied to the [highway] *transportation* commission by the state treasurer for that purpose. The department of revenue and the state treasurer shall supply the information

herein requested on or before January 1, 1956 and on said date each two years thereafter.

The following formula shall be used for the purpose of obtaining the "money need factor" of the several counties: The prorated estimated annual cost per trunk mile multiplied by the trunk miles will equal the total need of the individual county. The total need minus the sum of the three resources set forth in subsection (f) shall equal the net need. The net need of the individual county divided by the total net needs for all counties shall equal the "money need factor" for that county.

(g) The [state highway] *transportation* commission shall adjust the allocations of the several counties on March 1st of every even-numbered year based solely upon the sources of information hereinbefore required: PROVIDED, That the total allocation factor composed of the sum of the four factors defined in subsections (a), (b), (c), and (d) shall be held to a level not more than five percent above or five percent below the total allocation factor in use during the previous two year period.

(h) The [highway] *transportation* commission and the legislative transportation committee shall relog or cause to be relogged the total road mileages upon which the prorated estimated annual costs per trunk mile are based and shall recalculate such costs on the basis of such relogging and shall report their findings and recommendations to the legislature at its next regular session.

(i) The [highway] *transportation* commission and the legislative transportation committee shall study and report their findings and recommendations to the legislature concerning the following problems as they affect the allocation of "motor vehicle funds" funds to counties:

(1) Comparative costs per trunk mile based on federal aid contracts versus those herein advocated [.] ;

(2) Average costs per trunk mile [.] ;

(3) The advisability of using either "trunk mileage" or "county road" mileage exclusively as the criterion instead of both as in this plan adopted [.] ;

(4) Reassessment of bridge costs based on current information and relogging of bridges [.] ;

(5) The items in the list of resources used in determining the "need factor" [.] ;

(6) The development of a uniform accounting system for counties with regard to road and bridge construction and maintenance costs [.] ;

(7) A redefinition of rural and urban vehicles which better reflects the use of said vehicles on county roads.

Sec. 43. Section 47.01.110, chapter 13, Laws of 1961 and RCW 47.01.110 are each amended to read as follows:

The [director] *assistant secretary for the division of highways* shall be fully competent as a highway engineer and as an executive. He shall be a registered professional engineer and shall be a graduate in engineering of an accredited university or college or have in lieu thereof experience as a civil engineer in responsible charge of work equivalent to such education, and in addition, experience in highway or road construction for a period of not less than five years. He need not be a resident of the state at the time of his appointment.

Sec. 44. Section 2, chapter 173, Laws of 1963 as amended by section 2, chapter 39, Laws of 1969 ex. sess. and RCW 47.05.020 are each amended to read as follows:

The [state highway commission] *department of transportation* is hereby directed to conduct periodic analyses of the entire state highway system, and based thereon, to subdivide and classify according to their function and importance all designated state highways and those added from time to time other than the national system of interstate and defense highways and periodically review and revise the classifications, into the following additional four functional classes:

(1) The "principal state highway system" which shall comprise not to exceed twenty percent of the total state highway mileage other than the interstate system [.] ;

(2) The "major state highway system" which shall comprise not to exceed thirty-five percent of the total state highway mileage other than the interstate system [.] ;

(3) The "collector state highway system" which shall comprise not to exceed thirty-

five percent of the total state highway mileage other than the interstate system[.];

(4) The "other state highway system".

In making such functional classification the [highway commission] *department* shall be governed by reasonable [rules and regulations] *policies* adopted by the commission, and give consideration to the following criteria:

(a) Urban population centers within and without the state stratified and ranked according to size;

(b) Important traffic generating economic activities, including but not limited to recreation, agriculture, government, business, and industry;

(c) Feasibility of route, including availability of alternate routes within and without the state;

(d) Directness of travel and distance between points of economic importance;

(e) Length of trips;

(f) Character and volume of traffic;

(g) Preferential consideration for multiple service;

(h) Reasonable spacing depending upon population density; and

(i) System continuity, except for the "other" system.

Sec. 45. Section 3, chapter 173, Laws of 1963 as last amended by section 4, chapter 12, Laws of 1973 2nd ex. sess. and RCW 47.05.030 are each amended to read as follows:

The [state highway commission] *department of transportation* shall adopt and periodically revise in accordance with the policies established by the transportation commission and after consultation with the legislative transportation committee and senate and house transportation and utilities committees a long range plan for highway improvements, specifying highway planning objectives to be accomplished within a fourteen year advance planning period, and within the framework of revenue estimates for such period. The plan shall be based upon the construction needs for state highways as determined and segregated according to functional class by the [highway commission] *department* from time to time.

With such reasonable deviations as may be required to effectively utilize the available funds and to adjust to unanticipated delays in programmed projects, the [highway commission] *department* shall allocate the estimated available funds, so as to carry out such rates of completion within a fourteen year advance planning period on that part of the national system of interstate and defense highways on which the federal government participates financially at the interstate rate under federal law and regulations, on the parts of the national system of interstate and defense highways on which federal aid participation is less than the regular interstate rate under federal law and regulations; and on the remaining four functional classes as the [highway commission] *department*, acting pursuant to [reasonable rules and regulations] *policies* adopted by the commission, shall determine to be necessary in order to maintain a balanced development of the state's highway system, considering primarily the following factors:

(a) The relative remaining needs of each functional class of highways;

(b) The estimated available funds;

(c) Continuity of future developments with those previously programmed; and

(d) Graduation of rates of completion according to functional class importance.

Sec. 46. Section 7, chapter 173, Laws of 1963 as amended by section 7, chapter 12, Laws of 1973 2nd ex. sess. and RCW 47.05.070 are each amended to read as follows:

The [state highway] *transportation commission*, with the assistance of the *department*, shall [prepare] *approve* and present to the governor and to the legislature [at the time of] *prior* to its convening, a recommended budget for the ensuing biennium. The biennial budget shall include details of proposed expenditures, performance and public service criteria for construction, maintenance, and planning activities in consonance with the six-year comprehensive program and financial plan adopted under provisions of RCW 47.05.040.

Sec. 47. Section 47.12.010, chapter 13, Laws of 1961 as amended by section 4, chapter 108, Laws of 1967 and RCW 47.12.010 are each amended to read as follows:

Whenever it is necessary to secure any lands or interests in land for a right of way

for any state highway, or for the drainage thereof or construction of a protection therefor or so as to afford unobstructed vision therefor toward any railroad crossing or another public highway crossing or any point of danger to public travel or to provide a visual or sound buffer between highways and adjacent properties or for the purpose of acquiring sand pits, gravel pits, borrow pits, stone quarries, or any other land for the extraction of materials for construction or maintenance or both, or for any site for the erection upon and use as a maintenance camp, of any state highway, or any site for other necessary structures or for structures for the health and accommodation of persons traveling or stopping upon the state highways of this state, or any site for the construction and maintenance of structures and facilities adjacent to, under, upon, within, or above the right of way of any state highway for exclusive or nonexclusive use by an urban public transportation system, or for any other highway purpose, together with right of way to reach such property and gain access thereto, the [highway commission] *department of transportation* is authorized to acquire such lands or interests in land in behalf of the state by gift, purchase, or condemnation. In case of condemnation to secure such lands or interests in land, the action shall be brought in the name of the state of Washington in the manner provided for the acquiring of property for the public uses of the state, and in such action the selection of the lands or interests in land by the [highway commission] *secretary of transportation* shall, in the absence of bad faith, arbitrary, capricious, or fraudulent action, be conclusive upon the court and judge before which the action is brought that said lands or interests in land are necessary for public use for the purposes sought. The cost and expense of such lands or interests in land may be paid as a part of the cost of the state highway for which such right of way, drainage, unobstructed vision, sand pits, gravel pits, borrow pits, stone quarries, maintenance camp sites, and structure sites or other lands are acquired.

Sec. 48. Section 47.12.060, chapter 13, Laws of 1961 and RCW 47.12.060 are each amended to read as follows:

When a state highway is relocated and the old route is abandoned, and the new route crosses land owned by a person who owns land abutting on the old route, the [Washington state highway commission] *department* may agree with the owner to convey to him title to the old route or a part thereof as all or part consideration for his land to be taken for the new route.

Whenever the state has abandoned any highway rights of way, pit sites, or stock pile sites or owns land not needed for highway purposes, the [Washington state highway commission] *department* may sell same to abutting owners for the fair market value or exchange with any person as a consideration or part consideration for lands or property rights needed by the state, or may sell same by public auction whenever it is deemed in the public interest to do so.

The [Washington state highway commission shall certify the agreement to the governor with a description of the property to be conveyed, and the governor may execute and the secretary of state shall attest] *secretary of transportation shall execute the deed, which shall be duly acknowledged, and deliver it to the grantee.*

Sec. 49. Section 47.12.070, chapter 13, Laws of 1961 as amended by section 2, chapter 91, Laws of 1969 and RCW 47.12.070 are each amended to read as follows:

If the [Washington state highway commission] *department* deems that any land is no longer required for state highway purposes and that it is in the public interest so to do, [said highway commission] *the department* may negotiate for the sale of the land to a city or county of the state. [The state highway commission shall certify the agreement for the sale to the governor, with a description of the land and the terms of the sale, and the governor may execute and the secretary of the state shall attest] *If a sale is agreed to, the secretary of transportation shall execute the deed, which shall be duly acknowledged, and deliver it to the grantee.*

Any moneys received pursuant to the provisions of this section shall be deposited in the motor vehicle fund.

Sec. 50. Section 47.12.080, chapter 13, Laws of 1961 and RCW 47.12.080 are each amended to read as follows:

Whenever in the construction, reconstruction, location, or improvement of any

state highway it may become necessary to transfer and convey to the United States, its agencies or instrumentalities, to any municipal subdivision of this state, or to any public utility company, any unused state highway right of way or real property, and in the judgment of the [highway commission] *secretary of transportation* and the attorney general, such transfer and conveyance is consistent with public interest, the [highway commission] *secretary* may enter into agreements accordingly. Whenever the [highway commission] *secretary* shall make any such agreement for any such transfer or conveyance, and [together with] the attorney general *concurs therein*, [certifies to the governor that such agreement has been made setting forth in such certification a description of the lands or premises involved, the governor may execute and the secretary of state shall attest] *the secretary shall execute* and deliver unto the United States government, or its agencies or instrumentalities, unto any municipal subdivision of this state, or unto any public utility company, a *duly acknowledged* deed of conveyance, easement, or other instrument necessary to fulfill the terms of the aforesaid agreement. All moneys paid to the state of Washington under any of the provisions hereof shall be deposited in the motor vehicle fund.

Sec. 51. Section 47.12.120, chapter 13, Laws of 1961 as amended by section 1, chapter 91, Laws of 1969 and RCW 47.12.120 are each amended to read as follows:

The [highway commission] *department* is authorized, subject to the provisions and requirements of zoning ordinances of political subdivisions of government, to rent or lease any lands, improvements, or air space above or below any lands, including those used or to be used for both limited access and conventional highways which are held for highway purposes but are not presently needed, upon such terms and conditions as the [highway commission] *department* may determine.

Sec. 52. Section 47.12.130, chapter 13, Laws of 1961 and RCW 47.12.130 are each amended to read as follows:

Whenever the [state] department [of highways shall have title to any parcel of land acquired for highway purposes which the [state highway commission] *secretary of transportation* shall determine is not necessary for highway purposes, the [commission] *secretary of transportation* is authorized to [cause] *deed* such land [to be deeded] to the owner of land abutting upon such parcel in consideration, or partial consideration, for other lands owned by such property owner which the [highway commission] *department* deems to be necessary for highway purposes. [The governor is authorized to execute and the secretary of state shall attest the conveyances necessary to carry out such exchange.]

Sec. 53. Section 47.12.140, chapter 13, Laws of 1961 and RCW 47.12.140 are each amended to read as follows:

Whenever the [state highway] department shall have acquired any lands for highway purposes, except state granted lands, upon which are located any structures, timber, or other thing of value attached to the land, which the [state highway commission] *department* shall deem it best to sever from the land and sell as personal property, the same may be sold by the department [of highways] at public auction after due notice thereof shall have been given in accordance with general regulations [prescribed] adopted by the [state highway commission] *secretary*. The [state highway commission] *department* may set minimum prices that will be accepted for any item offered for sale at public auction as herein provided and may prescribe terms or conditions of sale and, in the event that any item shall be offered for sale at such auction and for which no satisfactory bids shall be received or for which the amount bid shall be less than the minimum set by the [commission] *department*, it shall be lawful for the [commission] *department* to sell such item at private sale for the best price which it deems obtainable but at not less than the highest price bid at the public auction. The proceeds of all sales under this section shall be placed in the motor vehicle fund.

Sec. 54. Section 47.12.150, chapter 13, Laws of 1961 and RCW 47.12.150 are each amended to read as follows:

Whenever the [highway commission] *department* shall need for highway purposes land or property rights belonging to the United States government or any municipality or political subdivision of the state, or which shall be a part of the right of way of any public utility having authority to exercise powers of eminent domain, when the acquisi-

tion of such property by the state will result in the displacement of any existing right of way or facility, the [state highway commission] *department* is authorized to acquire by condemnation or otherwise such lands and property rights as shall be needed to relocate such right of way or facilities so displaced and to exchange lands or property rights so acquired in consideration or partial consideration for the land or property rights needed for highway purposes. The [governor, at the request of the state highway commission,] *secretary of transportation* shall execute all conveyances, *duly acknowledged*, necessary to accomplish such exchange.

Sec. 55. Section 2, chapter 281, Laws of 1961 and RCW 47.12.190 are each amended to read as follows:

The [Washington state highway commission] *department*, in addition to its other powers and duties as provided by law, is authorized to purchase or condemn any real property or property rights therein which it deems will be necessary for the improvements of routes on the state highway system by the method provided in RCW 47.12.180 through 47.12.240. Condemnation actions brought hereunder shall be brought in the name of the state as provided for acquiring property for the public uses of the state, and in such actions selection of the property and property rights by the [highway commission] *secretary of transportation* is conclusive that they are necessary for the purposes sought, in the absence of bad faith, or arbitrary, capricious, or fraudulent action.

Sec. 56. Section 3, chapter 281, Laws of 1961 as amended by section 2, chapter 197, Laws of 1969 ex. sess. and RCW 47.12.200 are each amended to read as follows:

The [highway] *transportation* commission may enter into agreements with the state finance committee for financing the acquisition, by purchase or condemnation, of real property together with engineering costs that the [highway] *transportation* commission deems will be necessary for the improvement of the state highway system. Such agreements may provide for the acquisition of an individual parcel or for the acquisition of any number of parcels within the limits of a contemplated highway project.

Sec. 57. Section 5, chapter 281, Laws of 1961 as amended by section 4, chapter 197, Laws of 1969 ex. sess. and RCW 47.12.220 are each amended to read as follows:

Each such agreement shall include, but shall not be limited to the following:

(1) A provision stating the term of the agreement which shall not extend more than seven years from the effective date of the agreement [.] ;

(2) A designation of the specific fund or funds to be used to carry out such agreement [.] ;

(3) A provision that the [highway commission] *department of transportation* may redeem warrants purchased by the state finance committee at any time prior to the letting of a highway improvement contract utilizing the property; and further, during the effective period of each such agreement the [highway commission] *department of transportation* shall redeem such warrants whenever such a highway improvement contract is let, or upon the expiration of such agreement, whichever date is earlier [.] ;

(4) A provision stating the rate of interest such warrants shall bear commencing at the time of purchase by the state finance committee [.] ;

(5) Any additional provisions agreed upon by the [highway] *transportation* commission and the state finance committee which are necessary to carry out the purposes of such agreement as indicated by RCW 47.12.180 through 47.12.240, as now or hereafter amended.

Sec. 58. Section 47.24.010, chapter 13, Laws of 1961 as amended by section 3, chapter 95, Laws of 1973 and RCW 47.24.010 are each amended to read as follows:

The [state highway] *transportation* commission shall determine what streets, together with bridges thereon and wharves necessary for use for ferryage of motor vehicle traffic in connection with such streets, if any, in any incorporated cities and towns shall form a part of the route of state highways and between the first and fifteenth days of July of any year the [state highway commission] *department of transportation* shall certify to the clerk of each city or town, by brief description, the streets, together with the bridges thereon and wharves, if any, in such city or town which are designated as forming a part of the route of any state highway; and all such streets, including curbs and gutters and street intersections and such bridges and wharves, shall thereafter be a

part of the state highway system and as such shall be constructed and maintained by the [state highway commission] *department of transportation* from any state funds available therefor: PROVIDED, That the responsibility for the construction and maintenance of any such street together with its appurtenances may be returned to a city or a town upon certification by the [state highway commission] *department of transportation* to the state auditor and to the clerk of any city or town that such street, or portion thereof, is no longer required as a part of the state highway system: PROVIDED FURTHER, That any such certification that a street, or portion thereof, is no longer required as a part of the state highway system shall be made between the first and fifteenth of July following the determination by the [state highway commission] *department* that such street or portion thereof is no longer required as a part of the state highway system, but this shall not prevent the [state highway commission] *department* and any city or town from entering into an agreement that a city or town will accept responsibility for such a street or portion thereof at some time other than between the first and fifteenth of July of any year.

Sec. 59. Section 20, chapter 83, Laws of 1967 ex. sess. as amended by section 3, chapter 171, Laws of 1969 ex. sess. and RCW 47.26.140 are each amended to read as follows:

The [assistant director of highways for state aid] *department of transportation* shall furnish necessary staff services and facilities required by the urban arterial board. The cost of such services, together with travel expenses of the members and all other lawful expenses of the board, shall be paid from the urban arterial trust account in the motor vehicle fund. The urban arterial board may appoint an executive secretary who shall serve at its pleasure and whose salary shall be set by the board and paid from the urban arterial trust account in the motor vehicle fund.

Sec. 60. Section 47.28.010, chapter 13, Laws of 1961 and RCW 47.28.010 are each amended to read as follows:

Whenever the general route of any state highway shall be designated and laid out as running to or by way of certain designated points, without specifying the particular route to be followed to or by way of such points, the [highway] *transportation* commission shall determine the particular route to be followed by said state highway to or by way of said designated points, and shall be at liberty to select and adopt as a part of such state highway, the whole or any part of any existing public highway previously designated as a county road, primary road, or secondary road or now or hereafter classified as a county road. The [highway] commission need not select and adopt the entire routes for such state highways at one time, but may select and adopt parts of such routes from time to time as it deems advisable. Where a state highway is designated as passing by way of a certain point, this shall not require the [highway] commission to cause such state highway to pass through or touch such point but such designation is directional only and may be complied with by location in the general vicinity. The [highway commission] *department of transportation* is empowered to construct as a part of any state highway as designated and in addition to any portion meeting the limits of any incorporated city or town a bypass section either through or around any such incorporated city or town.

Sec. 61. Section 47.36.020, chapter 13, Laws of 1961 and RCW 47.36.020 are each amended to read as follows:

The [highway commission] *secretary of transportation* shall adopt specifications for a uniform system of traffic control signals consistent with the provisions of this title for use upon public highways within this state. Such uniform system shall correlate with and so far as possible conform to the system current as approved by the American Association of State Highway Officials and as set out in the manual of uniform traffic control devices for streets and highways.

Sec. 62. Section 47.36.030, chapter 13, Laws of 1961 and RCW 47.36.030 are each amended to read as follows:

The [highway commission] *secretary of transportation* shall have the power and it shall be its duty to adopt and designate a uniform state standard for the manufacture, display, erection, and location of all signs, signals, signboards, guideposts, and other

traffic devices erected or to be erected upon the state highways of the state of Washington for the purpose of furnishing information to persons traveling upon such state highways regarding traffic regulations, directions, distances, points of danger, and conditions requiring caution, and for the purpose of imposing restrictions upon persons operating vehicles thereon. Such signs shall conform as nearly as practicable to the manual of specifications for the manufacture, display, and erection of uniform traffic control devices for streets and highways and all amendments, corrections, and additions thereto. The [highway commission] *department of transportation* shall prepare plans and specifications of the uniform state standard of traffic devices so adopted and designated, showing the materials, colors, and designs thereof, and shall upon the issuance of any such plans and specifications or revisions thereof and upon request, furnish to the boards of county commissioners and the governing body of any incorporated city or town, a copy thereof. Signs, signals, signboards, guideposts, and other traffic devices erected on county roads shall conform in all respects to the specifications of color, design, and location [devised] *approved* by the [highway commission] *secretary*. Traffic devices hereafter erected within incorporated cities and towns shall conform to such uniform state standard of traffic devices so far as is practicable.

Sec. 63. Section 47.52.027, chapter 13, Laws of 1961 and RCW 47.52.027 are each amended to read as follows:

The [state highway commission] *secretary of transportation* may adopt design standards, rules, and regulations relating to construction, maintenance, and control of access of the national system of interstate and defense highways within this state as it deems advisable to properly control access thereto, to preserve the traffic-carrying capacity of such highways, and to provide the maximum degree of safety to users thereof. In adopting such standards, rules, and regulations the [commission] *secretary* shall take into account the policies, rules, and regulations of the *United States* secretary of commerce and the [bureau of public roads] *federal highway administration* relating to the construction, maintenance, and operation of the system of interstate and defense highways. The standards, rules, and regulations so adopted by the [commission] *secretary* shall constitute the public policy of this state and shall have the force and effect of law.

Sec. 64. Section 5, chapter 75, Laws of 1965 ex. sess. and RCW 47.52.139 are each amended to read as follows:

Upon receipt of the findings and order adopting a plan, the county, city, or town may notify the [state highway commission] *department of transportation* of its approval of such plan in writing, in which event such plan shall be final.

In the event that a county, city, or town does not approve the plan, the county, city, or town shall file its disapproval in writing with the [state highway commission] *secretary of transportation* within thirty days after the mailing thereof to such mayor or county commissioner. Along with the written disapproval shall be filed a written request for a hearing before a board of review, hereinafter referred to as the board. The request for hearing shall set forth the portions of the plan of the [state highway commission] *department* to which the county, city, or town objects, and shall include every issue to be considered by the board. The hearing before a board of review shall be governed by RCW 47.52.150 through 47.52.190, *as now or hereafter amended*.

Sec. 65. Section 47.52.150, chapter 13, Laws of 1961 as amended by section 3, chapter 103, Laws of 1963 and RCW 47.52.150 are each amended to read as follows:

Upon request for a hearing before the board by any county, city, or town, a board consisting of five members shall be appointed as follows: The mayor or the county commissioners, as the case may be shall appoint two members of the board, of which one shall be a duly elected official of the city, county, or legislative district, except that of the legislative body of the county, city, or town requesting the hearing, subject to confirmation by the legislative body of the city or town; the [state highway commission] *secretary of transportation* shall appoint two members of the board [who shall not be members of such commission]; and one member shall be selected by the four members thus appointed. Such fifth member shall be a licensed civil engineer or a recognized professional city or town planner, who shall be chairman of the board. In the case both the county and an included city or town request a hearing, the board shall consist of nine

members appointed as follows: The mayor and the county commission shall each appoint two members from the elective officials of their respective jurisdictions, and of the four thus selected no more than two thereof may be members of a legislative body of the county, city, or town. The [state highway commission] *secretary of transportation* shall appoint four members of the board [who shall not be members of such commission]. One member shall be selected by the members thus selected, and such ninth member shall be a licensed civil engineer or a recognized city or town planner, who shall be chairman of the board. Such boards as are provided by this section shall be appointed within thirty days after [the next meeting of the state highway commission immediately following] the receipt of such a request by the [commission] *secretary*. In the event the [state highway commission] *secretary* or a county, city, or town shall not appoint members of the board or members thus appointed fail to appoint a fifth or ninth member of the board, as the case may be, either the [state highway commission] *secretary* or the county, city, or town may apply to the superior court of the county in which the county, city, or town is situated to appoint the member or members of the board in accordance with the provisions of this chapter.

Sec. 66. Section 47.52.180, chapter 13, Laws of 1961 and RCW 47.52.180 are each amended to read as follows:

At the conclusion of such hearing, the board shall consider the evidence taken and shall make specific findings with respect to the objections and issues within thirty days after the hearing, which findings shall approve, disapprove, or modify the proposed plan of the [state highway commission] *department of transportation*. Such findings shall be final and binding upon both parties.

Sec. 67. Section 47.56.030, chapter 13, Laws of 1961 as last amended by section 3, chapter 180, Laws of 1969 ex. sess. and RCW 47.56.030 are each amended to read as follows:

The [state highway commission] *department of transportation* shall have full charge of the construction of all toll bridges and other toll facilities including the Washington state ferries [that may be authorized by the Washington toll bridge authority], and the operation and maintenance thereof [and the collection of tolls and charges thereon]. *The transportation commission shall determine and establish the tolls and charges thereon, and shall perform all duties and exercise all powers relating to the financing, refinancing, and fiscal management of the state ferry systems, and bonded indebtedness in the manner provided by law.* The [commission] *department* shall have full charge of design of all toll facilities. The [commission] *department* shall proceed with the construction of such toll bridges and other facilities and the approaches thereto by contract in the manner of state highway construction immediately upon there being made available funds for such work and shall prosecute such work to completion as rapidly as practicable. The [highway commission] *department* is authorized to negotiate contracts for any amount without bid in order to make repairs to ferries or ferry terminal facilities or removal of such facilities whenever continued use of ferries or ferry terminal facilities constitutes a real or immediate danger to the traveling public or precludes prudent use of such ferries or facilities.

Sec. 68. Section 47.56.070, chapter 13, Laws of 1961 and RCW 47.56.070 are each amended to read as follows:

The [authority] *department of transportation, with the approval of the transportation commission*, may provide for the establishment, construction, and operation of toll tunnels, toll roads, and other facilities necessary for their construction and connection with public highways of the state. It may cause surveys to be made to determine the propriety of their establishment, construction, and operation, and may acquire rights of way and other facilities necessary to carry out the provisions hereof; and may issue, sell, and redeem bonds, and deposit and expend them; secure and remit financial and other assistance in the construction thereof; carry insurance thereon; and handle any other matters pertaining thereto, all of which shall be conducted in the same manner and under the same procedure as provided for the establishing, constructing, operating, and maintaining of toll bridges by the [authority] *department*, insofar as reasonably consistent and applicable. No toll facility, toll bridge, toll road, or toll tunnel, shall be

combined with any other toll facility for the purpose of financing unless such facilities form a continuous project, to the end that each such facility or project be self-liquidating and self-sustaining [: PROVIDED, That no toll road shall be constructed, obligations for the construction thereof entered into, or right of way acquired without prior approval of the location, plans and specifications by the Washington state highway commission].

Sec. 69. Section 47.56.080, chapter 13, Laws of 1961 and RCW 47.56.080 are each amended to read as follows:

Whenever in the judgment of the [highway] *transportation commission* it is considered in the best interest of the public highways of the state that any new toll bridge or bridges be constructed upon any public highway and across any stream, body of water, gulch, navigable water, swamp, or other topographical formation and operated by the state the [highway] commission shall [submit its recommendation to that effect to the Washington toll bridge authority together with preliminary estimates of the cost of such construction and an estimate of the amount necessary to be raised for such purpose by the issuance of revenue bonds, and a statement of the probable amount of money, property, materials or labor to be contributed from other sources in aid of any such construction. If the Washington toll bridge authority concurs in the recommendation of the highway commission or on its own motion determines to construct any toll bridge or toll bridges, the Washington toll bridge authority shall] adopt a resolution declaring that public interest and necessity require the construction of such toll bridge or bridges and authorizing the issuance of revenue bonds for the purpose of obtaining funds in an amount not in excess of that estimated to be required for such construction. The issuance of bonds as provided in this chapter for the construction of more than one toll bridge may at the discretion of the [Washington toll bridge authority] *commission* be included in the same authority and issue of bonds.

Sec. 70. Section 47.56.090, chapter 13, Laws of 1961 and RCW 47.56.090 are each amended to read as follows:

[Whenever the Washington toll bridge authority shall authorize and direct the highway commission to construct a toll bridge the highway commission] *The department of transportation* is empowered to secure right of way [therefor] *for toll bridges* and for approaches thereto by gift or purchase, or by condemnation in the manner provided by law for the taking of private property for public highway purposes.

Sec. 71. Section 47.56.120, chapter 13, Laws of 1961 and RCW 47.56.120 are each amended to read as follows:

In the event that the [Washington toll bridge authority] *transportation commission* should determine that any toll bridge should be constructed [under its authority it shall authorize and direct the highway commission to construct such toll bridge. In the event the highway commission is authorized and directed to construct such toll bridge], all cost thereof including right of way, survey, and engineering shall be paid out of any funds available for payment of the cost of such toll bridge under this chapter.

Sec. 72. Section 47.56.250, chapter 13, Laws of 1961 and RCW 47.56.250 are each amended to read as follows:

Whenever a proposed toll bridge, toll road, toll tunnel, or any other toll facility of any sort is to be constructed, any city, county, or other political subdivision located in relation to such facility so as to benefit directly or indirectly thereby, may, either jointly or separately, at the request of the [Washington state highway commission or the authority] *transportation commission advance or contribute money, or bonds, rights of way, labor, materials, and other property toward the expense of building the toll facility, and for preliminary surveys and the preparation of plans and estimates of cost therefor and other preliminary expenses. Any such city, county, or other political subdivision* may, either jointly or separately, at the request of the *transportation commission* [or the authority] *advance or contribute money or bonds for the purpose of guaranteeing the payment of interest or principal on the bonds issued by the [authority] commission to finance the toll facility. Appropriations for such purposes may be made from any funds available, including county road funds received from or credited by the state, or funds obtained by excess tax levies made pursuant to law or the issuance of general obligation*

bonds for this purpose. General obligation bonds issued by a city, county, or political subdivision may with the consent of the [state highway] commission [or the authority] be placed with the [Washington toll bridge authority] *department of transportation* to be sold by the [authority] *department* to provide funds for such purpose. Money, or bonds, or property so advanced or contributed may be immediately transferred or delivered to the [authority] *department* to be used for the purpose for which contribution was made. The [authority] *commission* may enter into an agreement with a city, county, or other political subdivision to repay any money, or bonds or the value of a right of way, labor, materials, or other property so advanced or contributed. The [authority] *commission* may make such repayment to a city, county, or other political subdivision and reimburse the state for any expenditures made by it in connection with the toll facility out of tolls and other revenues for the use of the toll facility.

Sec. 73. Section 3, chapter 257, Laws of 1961 as amended by section 3, chapter 177, Laws of 1973 1st ex. sess. and RCW 47.56.254 are each amended to read as follows:

If the [authority] *secretary of transportation* determines that any real property (including lands, improvements thereon, and any interests or estates) held by the [authority] *department*, is no longer required for purposes of the [authority] *department*, the [authority] *department* shall offer it for sale as authorized by RCW 47.56.252 or [in the manner and with the authority authorized to the state highway commission by] RCW 47.12.280. The [authority] *department* may adopt rules further implementing this section [as granted to the highway commission by RCW 47.12.280].

Sec. 74. Section 5, chapter 123, Laws of 1965 ex. sess. and RCW 91.12.050 are each amended to read as follows:

[The commission] *In its capacity as successor to the canal commission, the department of transportation:*

(1) Shall adopt rules and regulations necessary to carry out the purposes of this chapter.

(2) [Shall meet not less than once every three months, and keep a complete record of all its proceedings. Special meetings may be called by the chairman of the commission, or by three members of the commission, by personal delivery of written notice thereof, or by delivery to their place of residence or business. Three members of the commission shall constitute a quorum to transact the business of the commission at either special or regular meetings.

(3) Shall employ a director and such other employees as are necessary to carry out functions of the commission. The attorney general shall be legal adviser for the commission.

(4) Shall make such investigations, surveys, and studies it deems necessary to determine the feasibility of the development of a navigation canal, or systems of navigation canals within the state of Washington.

[(5)] (3) May construct, maintain, and/or operate any navigation canal, or navigation canal systems deemed feasible by the [commission] *department of transportation*.

[(6)] (4) May acquire by gift, purchase, or condemnation from any person, municipal, public, or private corporation, or the state of Washington, or lease from the United States of America, any lands, rights of way, easements, or property rights in, over, or across lands or waters necessary for the construction, operation, or maintenance of any navigation canal, or navigation canal system. The acquisition of such rights is for a public use. The exercise of the right of eminent domain shall be in the manner provided by chapter 8.04 RCW, and all actions initiated thereunder shall be brought in the name of the [canal commission] *department of transportation*.

[(7)] (5) May hold public hearings. Prior to a determination of feasibility for any proposed project, the [commission] *department* shall hold a public hearing so that members of the public may present their views thereon.

[(8)] (6) May accept and expend moneys appropriated by the legislature or received from any public or private source, including the federal government, in carrying out the purposes of this chapter.

[(9)] (7) May negotiate and cooperate with the United States of America for the purpose of inducing the United States to undertake the construction, operation, or maintenance, of any navigation canal, or navigation canal system provided for in this chapter.

[(10)] (8) Is authorized as a local sponsor to cooperate, contract, and otherwise fully participate on behalf of the state of Washington with the United States of America, in any study relating to a determination of feasibility of a navigation canal or navigation canal system, and in any project relating to the construction, operation, or maintenance of a navigation canal, or navigation canal system to be undertaken by the United States of America.

The authority granted herein includes, but is not limited to, contributing such moneys to the United States of America as may be required and appropriated for that purpose by the legislature and furnishing without cost to the United States of America all lands, easements, and rights of way [and perform], *performing* all necessary alterations to utilities arising from any project, and holding the United States of America free from any claims for damages arising out of the construction of any project.

NEW SECTION. Sec. 75. There is added to Title 47 RCW a new section to read as follows:

If any part of this title or any section of this 1975 amendatory act is ruled to be in conflict with federal requirements which are a prescribed condition of the allocation of federal funds to the state, or to any department or agencies thereof, such conflicting part or section is declared to be inoperative solely to the extent of the conflict. No such ruling shall affect the operation of the remainder of the act. Any internal reorganization carried out under the terms of this title or any section of this 1975 amendatory act shall meet federal requirements which are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. Sec. 76. If any provision of this 1975 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 77. The rule of strict construction shall have no application to this title, and it shall be liberally construed in order to carry out the objectives for which it is designed. Any ambiguities arising from its interpretation should be resolved consistently with the broad purposes set forth in section 1 of this 1975 amendatory act.

NEW SECTION. Sec. 78. Title 47 RCW, presently titled "Public Highways" shall, upon the implementation of this 1975 amendatory act, be known and referred to as "Public Highways and Transportation". Chapter 91.12 RCW shall be recodified as part of Title 47 RCW.

NEW SECTION. Sec. 79. The following acts or parts of acts are each repealed:

- (1) Section 1, chapter 156, Laws of 1965 and RCW 46.01.010;
- (2) Section 2, chapter 156, Laws of 1965 and RCW 46.01.020;
- (3) Section 9, chapter 156, Laws of 1965 and RCW 46.01.090;
- (4) Section 47.01.010, chapter 13, Laws of 1961 and RCW 47.01.010;
- (5) Section 47.01.020, chapter 13, Laws of 1961 and RCW 47.01.020;
- (6) Section 47.01.030, chapter 13, Laws of 1961, section 1, chapter 1, Laws of 1965 ex. sess. and RCW 47.01.030;
- (7) Section 47.01.040, chapter 13, Laws of 1961, section 31, chapter 170, Laws of 1965 ex. sess. and RCW 47.01.040;
- (8) Section 47.01.050, chapter 13, Laws of 1961 and RCW 47.01.050;
- (9) Section 47.01.060, chapter 13, Laws of 1961 and RCW 47.01.060;
- (10) Section 47.01.080, chapter 13, Laws of 1961 and RCW 47.01.080;
- (11) Section 47.01.090, chapter 13, Laws of 1961 and RCW 47.01.090;
- (12) Section 47.01.100, chapter 13, Laws of 1961 and RCW 47.01.100;
- (13) Section 47.01.120, chapter 13, Laws of 1961 and RCW 47.01.120;
- (14) Section 47.01.130, chapter 13, Laws of 1961, section 10, chapter 307, Laws of 1961 and RCW 47.01.130;
- (15) Section 1, chapter 29, Laws of 1974 ex. sess. and RCW 47.01.160;

(16) Section 10, chapter 278, Laws of 1961, section 30, chapter 170, Laws of 1965 ex. sess. and RCW 47.56.034;

(17) Section 2, chapter 123, Laws of 1965 ex. sess. and RCW 91.12.020;

(18) Section 3, chapter 123, Laws of 1965 ex. sess., section 1, chapter 36, Laws of 1967 and RCW 91.12.030; and

(19) Section 4, chapter 123, Laws of 1965 ex. sess. and RCW 91.12.040.

NEW SECTION. Sec. 80. There is hereby appropriated from the general fund to the department of transportation eight thousand dollars for the period ending June 30, 1975, to carry out the provisions of this 1975 amendatory act. There is hereby appropriated from the motor vehicle fund to the department of transportation twenty-four thousand dollars for the period ending June 30, 1975, to carry out the provisions of this 1975 amendatory act. There is hereby appropriated from the general fund to the department of transportation one million two hundred two thousand nine hundred eighty dollars for the biennium June 30, 1977, to carry out the provisions of this 1975 amendatory act.

NEW SECTION. Sec. 81. This 1975 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions and shall take effect on July 1, 1975, except for sections 4 and 5, which shall take effect on May 1, 1975."

POINT OF ORDER

Senator Henry: "I raise the question of scope and object. In this catalog we have here are all the amendments that we have defeated. It purportedly puts back into the bill, if it were adopted, those Canal Commissions and those things which are designed to set up another conglomerate, another super-agency, and I am quite sure that there is no doubt in anybody's mind that with all deference to Senator Bluechel and his stick-to-itiveness there is no doubt about it, it changes the scope and object of the bill."

RULING BY THE PRESIDENT

The President: "In ruling on the point of order as presented by Senator Henry, the President determines that Substitute Senate Bill 2535 is a measure creating a department to assume the duties of the Highway Commission and the Toll Bridge Authority. The amendment proposed by Senator Bluechel pertains to the transfer of duties of the Canal Commission, the Department of Motor Vehicles, and the Aeronautics Commission. Because of the length of the amendment and the number of repealers in the amendment, the President has not completely analyzed all of the contents of the amendment but it is apparent by the changes in the duties of the departments just mentioned that the proposed amendment does change the scope and object of the bill. Therefore, the point is well taken."

The amendment by Senator Bluechel was ruled out of order.

Senator Bluechel moved adoption of the following amendment striking everything after the enacting clause and inserting new sections 1 through 77:

Strike all material after the enacting clause and insert the following:

"NEW SECTION. Section 1. There is added to Title 47 RCW a new section to read as follows:

The legislature hereby recognizes the following imperative needs within the state: To create a state-wide transportation development plan which identifies present status and sets goals for the future; to coordinate and centralize the regulation, licensing, and taxation of transportation modes; to promote and protect land use programs required in state and federal law; to coordinate transportation with the economic development of the state; to supply a broad framework in which regional, metropolitan, and local transportation needs can be related; to facilitate the supply of federal and state aid to those areas which will most benefit the state as a whole; to provide for more effective public involvement in the transportation planning and development process; to administer programs within the jurisdiction of this title relating to the safety of the state's transportation systems; and to coordinate and implement national transportation policy with the state transportation planning program.

The legislature finds and declares that placing all elements of transportation in a single department is fully consistent with and shall in no way impair the use of moneys in the motor vehicle fund exclusively for highway purposes.

Through this chapter, a unified department of transportation is created. To the jurisdiction of this department will be transferred the present powers, duties, and functions of the department of highways, the highway commission, and the toll bridge authority.

NEW SECTION. Sec. 2. There is added to Title 47 RCW a new section to read as follows:

As used in this title unless the context indicates otherwise:

(1) "Department" means the department of transportation created in section 3 of this 1975 amendatory act;

(2) "Commission" means the transportation commission created in section 5 of this 1975 amendatory act;

(3) "Secretary" means the secretary of transportation as provided for in section 4 of this 1975 amendatory act.

NEW SECTION. Sec. 3. There is added to Title 47 RCW a new section to read as follows:

(1) There is created a department of state government to be known as the department of transportation.

(2) All powers, duties, and functions vested by law in the department of highways, the state highway commission, the director of highways, and the Washington toll bridge authority are transferred to the jurisdiction of the department, except those powers, duties, and functions which are expressly directed elsewhere in this or in any other act of the 1975 legislature.

(3) The urban arterial board is transferred to the jurisdiction of the department for its administration.

NEW SECTION. Sec. 4. There is added to Title 47 RCW a new section to read as follows:

The executive head of the department of transportation shall be the secretary of transportation, who shall be appointed by the transportation commission, with the consent of the senate, from a list of three names submitted to the transportation commission by the governor, shall serve until removed by the governor, with the approval of a majority of the commission, and shall be paid a salary to be fixed by the governor in accordance with the provisions of RCW 43.03.040. If a vacancy occurs in the office of secretary while the senate is not in session, the commission shall make a temporary appointment, from a list of three names submitted by the governor, until the next meeting of the senate, when the commission shall present to that body its nomination for the office.

NEW SECTION. Sec. 5. There is added to chapter 13, Laws of 1961 and to chapter 47.01 RCW a new section to read as follows:

There is hereby created a transportation commission, which shall consist of seven members appointed by the governor, with the consent of the senate. Not more than four members shall reside on the same side of the Cascade mountains. The present five members of the highway commission shall serve as five initial members of the transportation commission until their terms of office as highway commission members would have expired. The additional two members provided herein for the transportation commission shall be appointed for initial terms to expire on June 30, 1976, and June 30, 1981, respectively. Thereafter all terms shall be for six years. No elective state official or state officer or state employee shall be a member of the commission. Not more than four members of the commission shall at the time of appointment or thereafter during their respective terms of office be members of the same major political party. No commissioner shall be removed from office by the governor before the expiration of his term unless for cause of incapacity, incompetence, neglect of duty, or malfeasance in office or for a disqualifying change of residence. No member shall be appointed for more than two consecutive terms.

NEW SECTION. Sec. 6. There is added to chapter 13, Laws of 1961 and to chapter 47.01 RCW a new section to read as follows:

The commission shall meet at such times as it deems advisable but at least once every thirty days. It may adopt its own rules and regulations and may establish its own procedure. It shall act collectively in harmony with recorded resolutions or motions adopted by majority vote of at least four members. The commission may appoint an administrative secretary, and shall elect one of its members chairman for a term of one year. The chairman shall be able to vote on all matters before the commission.

Each member of the commission shall receive compensation of sixty dollars per day for each day actually spent in the performance of his duties and his actual necessary traveling and other expenses in going to, attending, and returning from meetings of the commission, and his actual and necessary traveling and other expenses incurred in the discharge of such duties as may be requested of him by a majority vote of the commission or by the secretary of transportation, but in no event shall a commissioner be compensated in any year for more than one hundred twenty days, except the chairman of the commission who may be paid compensation for not more than one hundred fifty days.

NEW SECTION. Sec. 7. There is added to chapter 13, Laws of 1961 and to chapter 47.01 RCW a new section to read as follows:

The transportation commission shall have the following functions, powers, and duties:

(1) To propose policies to be adopted by the legislature designed to assure the development and maintenance of a comprehensive and balanced state-wide transportation system which will meet the needs of the people of this state for safe and efficient transportation services. Wherever appropriate the plan shall provide for the use of integrated, intermodal transportation systems to implement the social, economic, and environmental policies, goals, and objectives of the people of the state, and especially to conserve nonrenewable natural resources including land and energy. To this end the commission shall:

(a) Develop transportation policies which are based on the policies, goals, and objectives expressed and inherent in existing state laws and as adopted by state agencies;

(b) Inventory the adopted policies, goals, and objectives of the local and area-wide governmental bodies of the state and define the role of the state, regional, and local governments in determining transportation policies, in planning, and in implementing the state transportation plan;

(c) Propose a transportation policy for the state, and after notice and public hearings, submit the proposal to the legislative transportation committee and the senate and house transportation and utilities committees by January 1, 1976, for consideration in the next legislative session;

(d) Establish a procedure for review and revision of the state transportation policy, for submission of proposed changes to the legislature, and for the amendment of the state transportation policy by the legislature;

(2) To establish the policy of the department to be followed by the secretary on each of the following items:

(a) To provide for the effective coordination of state transportation planning with national transportation policy, state and local land use policies, and local and regional transportation plans and programs;

(b) To provide for effective public involvement in transportation designed to elicit the public's views both with respect to adequate transportation services and appropriate means of minimizing adverse social, economic, environmental, and energy impact of transportation programs;

(c) To provide for the administration of grants in aid and other financial assistance to counties and municipal corporations for transportation purposes;

(d) To provide for the management, sale, and lease of property or property rights owned by the department which are not required for transportation purposes;

(3) To direct the secretary to prepare and submit to the commission a comprehensive and balanced state-wide transportation plan which shall be based on the transporta-

tion policy adopted by the legislature and applicable state and federal laws. After public notice and hearings, the commission shall adopt the plan and submit it to the legislative transportation committee and the senate and house transportation and utilities committees before January 1, 1978, for consideration in the next legislative session. The plan shall be reviewed and revised at the next regular session of the legislature and biennially thereafter;

(4) To approve and propose to the governor and to the legislature prior to the convening of each regular session a recommended budget for the operation of the department and for carrying out the program of the department for the ensuing biennium. The proposed budget shall separately state the appropriations to be made from the motor vehicle fund for highway purposes in accordance with constitutional limitations and appropriations and expenditures to be made from the general fund and other available sources for other operations and programs of the department;

(5) To review and authorize all departmental requests for legislation;

(6) To approve the issuance and sale of all bonds authorized by the legislature for capital construction of state highways, toll facilities, Columbia Basin county roads (for which reimbursement to the motor vehicle fund has been provided), urban arterial projects, and aviation facilities;

(7) To adopt such rules, regulations, and policy directives as may be necessary to carry out reasonably and properly those functions expressly vested in the commission by statute;

(8) To delegate any of its powers to the secretary of transportation whenever it deems it desirable for the efficient administration of the department and consistent with the purposes of this title;

(9) To exercise such other specific powers and duties as may be vested in the transportation commission by this or any other act of the 1975 legislature.

NEW SECTION. Sec. 8. There is added to Title 47 RCW a new section to read as follows:

(1) The department shall be organized into divisions, including the division of highways, the division of public transportation, and the division of transportation planning.

(2) The secretary may reorganize divisions in order to attain the maximum possible efficiency in the operation of the department. Each division shall be headed by an assistant secretary to be appointed by the secretary. The officers appointed under this section shall be exempt from the provisions of the state civil service law and shall be paid salaries to be fixed by the governor in accordance with the procedure established by law for the fixing of salaries for officers exempt from the operation of the state civil service law.

NEW SECTION. Sec. 9. There is added to Title 47 RCW a new section to read as follows:

The secretary may appoint a deputy secretary as may be needed for the performance of the duties and functions vested in the department. The secretary may delegate to officers within the several divisions of the department authority to employ personnel necessary to discharge the responsibilities of the department.

NEW SECTION. Sec. 10. There is added to Title 47 RCW a new section to read as follows:

The secretary shall establish such advisory councils as are necessary to carry out the purposes of section 1 of this 1975 amendatory act, and to insure adequate public participation in the planning and development of transportation facilities. Members of such councils shall serve at the pleasure of the secretary and may receive per diem and necessary expenses, in accordance with RCW 43.03.050 and 43.03.060, as now or hereafter amended.

NEW SECTION. Sec. 11. There is added to Title 47 RCW a new section to read as follows:

The secretary shall have the authority and it shall be his duty, subject to policy guidance from the commission:

(1) To serve as chief executive officer of the department with full administrative authority to direct all its activities;

(2) To organize the department as he may deem necessary to carry out the work and responsibilities of the department effectively;

(3) To designate and establish such transportation district or branch offices as may be necessary or convenient, and to appoint assistants and delegate any of his powers, duties, and functions to them or any officer or employee of the department as he deems necessary to administer the department efficiently;

(4) To direct and coordinate the programs of the various divisions of the department to assure that they achieve the greatest possible mutual benefit, produce a balanced overall effort, and eliminate unnecessary duplication of activity;

(5) To adopt all department rules which are subject to the adoption procedures contained in the state administrative procedure act except rules subject to adoption by the commission pursuant to statute;

(6) To maintain and safeguard the official records of the department, including the commission's recorded resolutions and orders;

(7) To provide full staff support to the commission to assist it in carrying out its functions, powers, and duties and to execute the policy established by the commission pursuant to its legislative authority;

(8) To exercise all other powers and perform all other duties as are now or hereafter provided by law.

NEW SECTION. Sec. 12. There is added to Title 47 RCW a new section to read as follows:

(1) All employees and personnel of the department of highways, the highway commission, and the toll bridge authority, shall, on July 1, 1975, be transferred to the jurisdiction of the department of transportation. All employees classified under chapter 41.06 RCW, the state civil service law, shall be assigned to the department to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with bargaining agreements and the laws and rules governing the state merit system.

(2) Any officer or employee of any of the agencies mentioned hereinabove who holds an exempt position with his agency and who previously held permanent status in a classified position shall on or after July 1, 1975, have a right of reversion to the highest class of position previously held, and may continue his employment in the department of transportation at such class of position subject to any action that may be appropriate thereafter in accordance with the laws and rules governing the state merit system.

NEW SECTION. Sec. 13. The lawfully adopted rules and regulations of the Washington state highway commission and the Washington toll bridge authority in effect on June 30, 1975, shall continue to have full force and effect and be applicable until superseded by, or repealed by, rules and regulations lawfully adopted by the secretary of transportation or the transportation commission as provided in sections 7 and 11 of this 1975 amendatory act.

NEW SECTION. Sec. 14. There is added to chapter 1, Laws of 1961 and to chapter 41.06 RCW a new section to read as follows:

In addition to the exemptions set forth in RCW 41.06.070, the provisions of this chapter shall not apply in the department of transportation to the secretary, a deputy secretary, an administrative assistant to the secretary, if any, one assistant secretary for each division designated pursuant to section 8 of this 1975 amendatory act, and one confidential secretary for each of the above-named officers. The individuals appointed under this section shall be exempt from the provisions of the state civil service law, and shall be paid salaries to be fixed by the governor in accordance with the procedure established by law for the fixing of salaries for individuals exempt from the operation of the state civil service law.

NEW SECTION. Sec. 15. If on the effective date of this 1975 amendatory act, any exempt position designated hereinabove has not been filled by appointment, the person serving in the comparable exempt position, if any, in an agency whose functions are by

section 3 of this 1975 amendatory act transferred to the department of transportation shall fill such exempt position until a permanent appointment thereto has been made.

NEW SECTION. Sec. 16. Nothing in this 1975 amendatory act shall be construed to affect any existing rights acquired under the sections amended or repealed herein except as to the governmental agencies referred to and their officials and employees, nor as affecting any actions, activities, or proceedings validated thereunder, nor as affecting any civil or criminal proceedings instituted thereunder, nor any rule, regulation, resolution, or order promulgated thereunder, nor any administrative action taken thereunder; and neither the abolition of any agency nor any transfer of powers, duties, and functions as provided herein, shall affect the validity of any act performed by such agency or any officer thereof prior to the effective date of this 1975 amendatory act.

NEW SECTION. Sec. 17. Nothing contained in this 1975 amendatory act shall be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until any such agreement has expired.

NEW SECTION. Sec. 18. All reports, documents, surveys, books, records, files, papers, or other writings in the possession of the department of highways, the highway commission, and the toll bridge authority shall be delivered on the effective date of this 1975 amendatory act, to the custody of the department of transportation.

All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed in carrying out the powers, duties, and functions transferred to the department of transportation by section 3 of this 1975 amendatory act shall be made available on the effective date of this 1975 amendatory act, to the department. All funds, credits, or other assets held in connection with the functions so transferred shall by such time be assigned to the department of transportation.

Any appropriations heretofore made to the department of highways, the highway commission, and the toll bridge authority for the purpose of carrying out the powers, duties, and functions transferred in section 3 of this 1975 amendatory act, shall on the effective date of this 1975 amendatory act, be so transferred and credited to the department of transportation for the purpose of carrying out such transferred powers, duties, and functions.

Whenever any question arises as to the transfer of any funds including unexpended balances within any accounts, books, documents, records, papers, files, equipment, or any other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred under section 3 of this 1975 amendatory act, the director of the office of program planning and fiscal management or his successor shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

NEW SECTION. Sec. 19. All state officials required to maintain contact with or provide services for any of the departments or agencies whose functions are transferred by section 3 of this 1975 amendatory act shall continue to perform such services for the department of transportation unless otherwise directed by this title.

NEW SECTION. Sec. 20. While any bonds, whether definitive, temporary, or interim, or warrants, certificates, or receipts of any denomination, with or without coupons attached heretofore issued by the toll bridge authority, the highway commission, or any of the other agencies whose functions are transferred to the department of transportation by section 3 of this 1975 amendatory act, remain outstanding, the powers and duties relating thereto of such agencies or of any official or employee thereof transferred by section 12 of this 1975 amendatory act to the department of transportation, or any powers and duties of any other state official or state agency with respect to such bonds, warrants, certificates, or receipts shall not be diminished or impaired in any manner that will adversely affect the interests and rights of the holders of such bonds, warrants, certificates, or receipts. The holder of any such bond, warrant, certificate, or receipt may by mandamus or other appropriate proceeding require the performance by the department of transportation, or other appropriate state official or agency, of any of the duties heretofore imposed upon any state department, official, or employee under the terms of any such prior bond, warrant, certificate, or receipt agreement or sale: **PROVIDED**, That the enumeration of such rights and remedies herein shall not be deemed to exclude the

exercise or prosecution of any other rights or remedies by the holders of such bonds, warrants, certificates, or receipts.

Sec. 21. Section 1, chapter 11, Laws of 1971 and RCW 43.17.010 are each amended to read as follows:

There shall be departments of the state government which shall be known as (1) the department of social and health services, (2) the department of ecology, (3) the department of labor and industries, (4) the department of agriculture, (5) the department of fisheries, (6) the department of game, (7) the department of [highways] *transportation*, (8) the department of motor vehicles, (9) the department of general administration, (10) the department of commerce and economic development, and ((11) the department of revenue, which shall be charged with the execution, enforcement, and administration of such laws, and invested with such powers and required to perform such duties, as the legislature may provide.

Sec. 22. Section 2, chapter 11, Laws of 1971 and RCW 43.17.020 are each amended to read as follows:

There shall be a chief executive officer of each department to be known as: (1) The secretary of social and health services, (2) the director of ecology, (3) the director of labor and industries, (4) the director of agriculture, (5) the director of fisheries, (6) the director of game, (7) the [director of highways] *secretary of transportation*, (8) the director of motor vehicles, (9) the director of general administration, (10) the director of commerce and economic development, and (11) the director of revenue.

Such officers, except the [director of highways] *secretary of transportation* and the director of game, shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. If a vacancy occurs while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate, when he shall present to that body his nomination for the office. The [director of highways] *secretary of transportation* shall be appointed by the [state highway] *transportation commission as prescribed in section 4 of this 1975 amendatory act*, and the director of game shall be appointed by the game commission.

NEW SECTION. Sec. 23. There is added to Title 47 RCW a new section to read as follows:

Unless the language specifically indicates otherwise, or unless the context plainly requires a different interpretation:

Wherever in Title 47 RCW or in any provision in the Revised Code of Washington the term "Washington state highway commission", "the state highway commission", "the highway commission", "the commission" (when referring to the Washington state highway commission), "the department of highways", "Washington toll bridge authority", or "the authority" (when referring to the Washington toll bridge authority) is used, it shall mean the department of transportation created in section 3 of this 1975 amendatory act.

Wherever in Title 47 RCW or in any provision in the Revised Code of Washington the term "director of highways" is used, it shall mean the secretary of transportation, whose office is created in section 4 of this 1975 amendatory act.

NEW SECTION. Sec. 24. There is added to chapter 1.08 RCW a new section to read as follows:

For purposes of harmonizing and clarifying the provisions of the statute sections published in the revised code of Washington, the code reviser may substitute words designating the department of transportation or the secretary of transportation, as appropriate, whenever necessary to effect the changes in meaning provided for in section 23 of this 1975 amendatory act or any other act of the 1975 legislature.

NEW SECTION. Sec. 25. (1) The transportation commission through the secretary of transportation, and in conjunction with the legislative transportation committee and the house and senate transportation and utilities committees, shall immediately undertake a study of the proper funding of the department of transportation, the state transportation systems and the functions vested in the department. The study shall encompass alternative sources of funding of both highway and nonhighway functions of the department.

(2) The transportation commission through the secretary of transportation shall prepare a proposed budget for the operations of the department of transportation for the biennium ending June 30, 1977, and in connection therewith shall obtain such data relating to the needs of the state transportation systems and functions as may be necessary.

(3) The transportation commission through the secretary of transportation shall present to the legislative transportation committee, the house and senate ways and means committees, and the house and senate transportation and utilities committees for their review not later than November 1, 1975, a preliminary budget including proposed alternative sources of funding for the department of transportation for the remainder of the biennium ending June 30, 1977.

NEW SECTION. Sec. 26. The chief of the Washington state patrol is designated as an official consultant to the transportation commission so that the goals and activities of the state patrol relating to traffic law enforcement and safety are fully coordinated with other related responsibilities of the department of transportation. In this capacity, the chief of the Washington state patrol shall consult with the transportation commission and the secretary of transportation on the traffic law enforcement and safety implications and impacts on the state patrol of any proposed comprehensive transportation plan, program, or policy.

In order to develop fully integrated, balanced, and coordinated transportation plans, programs, and budgets the chief of the Washington state patrol shall consult with the secretary of transportation on the matter of relative priorities during the development of the state patrol's plans, programs, and budgets as they pertain to transportation activities. The secretary of transportation shall provide written comments to the governor and the legislature on the extent to which the state patrol's final plans, programs, and budgets are compatible with the priorities established in the department of transportation's final plans, programs, and budgets.

Sec. 27. Section 47.01.070, chapter 13, Laws of 1961 and RCW 47.01.070 are each amended to read as follows:

In all situations wherein the director of highways or the director of motor vehicles regarding the vehicle services division or the driver services division or any one of their designees, or any member of the highway commission, the toll bridge authority, or the canal commission or any one of their designees was on [July 1, 1951] the effective date of this 1975 amendatory act, designated or serving as a member of any board, commission, committee, or authority, the [state highway commission] secretary of transportation shall hereafter determine who shall serve as such member.

Sec. 28. Section 46.44.080, chapter 12, Laws of 1961 as amended by section 1, chapter 15, Laws of 1973 2nd ex. sess. and RCW 46.44.080 are each amended to read as follows:

Local authorities with respect to public highways under their jurisdiction may prohibit the operation thereon of motor trucks or other vehicles or may impose limits as to the weight thereof, or any other restrictions as may be deemed necessary, whenever any such public highway by reason of rain, snow, climatic or other conditions, will be seriously damaged or destroyed unless the operation of vehicles thereon be prohibited or restricted or the permissible weights thereof reduced: PROVIDED, That whenever a highway has been closed generally to vehicles or specified classes of vehicles, local authorities shall by general rule or by special permit authorize the operation thereon of school buses, emergency vehicles, and motor trucks transporting perishable commodities or commodities necessary for the health and welfare of local residents under such weight and speed restrictions as the local authorities deem necessary to protect the highway from undue damage: PROVIDED FURTHER, That the governing authorities of incorporated cities and towns shall not prohibit the use of any city street designated by the [state highway] transportation commission as forming a part of the route of any primary state highway through any such incorporated city or town by vehicles or any class of vehicles or impose any restrictions or reductions in permissible weights unless such restriction, limitation, or prohibition, or reduction in permissible weights be first approved in writing by the [highway commission] department of transportation.

The local authorities imposing any such restrictions or limitations, or prohibiting any use or reducing the permissible weights shall do so by proper ordinance or resolution and shall erect or cause to be erected and maintained signs designating the provisions of the ordinance or resolution in each end of the portion of any public highway affected thereby, and no such ordinance or resolution shall be effective unless and until such signs are erected and maintained.

The [highway commission] *department* shall have the same authority as hereinabove granted to local authorities to prohibit or restrict the operation of vehicles upon state highways [, which rules shall be administered by the department of highways]. The department [of highways] shall give public notice of closure or restriction. The [highway commission] *department* may [further authorize the department of highways to] issue special permits for the operation of school buses and motor trucks transporting perishable commodities or commodities necessary for the health and welfare of local residents under specified weight and speed restrictions as may be necessary to protect any state highway from undue damage.

Sec. 29. Section 46.44.090, chapter 12, Laws of 1961 and RCW 46.44.090 are each amended to read as follows:

The [state highway] *department of transportation, pursuant to rules adopted by the transportation commission* with respect to [primary and secondary] state highways and local authorities with respect to public highways under their jurisdiction may, upon application in writing and good cause being shown therefor, issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size, weight of vehicle or load exceeding the maximum specified in this chapter or otherwise not in conformity with the provisions of this chapter upon any public highway under the jurisdiction of the authority granting such permit and for the maintenance of which such authority is responsible.

No overweight permit shall be issued to any vehicle or combination of vehicles unless such vehicle or combination of vehicles is licensed for the maximum gross weight allowed by law.

Sec. 30. Section 46.44.091, chapter 12, Laws of 1961 as amended by section 30, chapter 281, Laws 1969 ex. sess. and RCW 46.44.091 are each amended to read as follows:

No special permit shall be issued for movement on any [primary or secondary] state highway or route of any state [primary or secondary] highway within the limits of any city or town where the gross weight, including load, exceeds twenty-two thousand pounds on a single axle or forty-three thousand pounds on any group of axles having a wheelbase between the first and last axle thereof less than ten feet: PROVIDED, That the weight limitations pertaining to single axles may be exceeded to permit the movement of equipment operating upon single pneumatic tires having a rim width of twenty inches or more and a rim diameter of twenty-four inches or more or dual pneumatic tires having a rim width of sixteen inches or more and a rim diameter of twenty-four inches or more: PROVIDED FURTHER, That permits may be issued for weights in excess of the preceding limitations on highways or sections of highways which have been designed and constructed for weights in excess of such limitations; or these limitations may be rescinded when certification is made by military officials or by officials of public or private power facilities, when [in the opinion of the highway commission] *the department of transportation, pursuant to general rules adopted by the transportation commission, determines that such movement or action is a necessary movement or action:* PROVIDED FURTHER, That the structures and highway surfaces on the routes involved are determined to be capable of sustaining weights in excess of such limitations. Application shall be made in writing on special forms provided by the [highway commission] *department of transportation* and shall be submitted at least thirty-six hours in advance of the proposed movement.

Sec. 31. Section 46.44.092, chapter 12, Laws of 1961 as last amended by section 1, chapter 9, Laws of 1970 ex. sess. and RCW 46.44.092 are each amended to read as follows:

No special permit shall be issued for movement on any two lane state highway out-

side the limits of any city or town where the overall width of load exceeds fourteen feet, or on any multiple lane state highway where the overall width of load exceeds thirty-two feet; except that on multiple lane state highways where a physical barrier serving as a median divider separates the oncoming and opposing traffic lanes, no special permit shall be issued for width in excess of twenty feet: PROVIDED, That (1) these width limitations may be exceeded on state highways where the latest available traffic figures show that the highway or section of highway carries less than one hundred vehicles per day: PROVIDED FURTHER, That in the case of buildings, the limitations referred to in this section for movement on any two lane state highway other than the national system of interstate and defense highways may be exceeded under the following conditions: (a) Uninterrupted vehicular traffic shall be maintained in one direction at all times; (b) maximum distance of movement shall not exceed five miles; additional contiguous permits shall not be issued to exceed the five-mile limit: PROVIDED, That when [in the opinion of the highway commission] *the department of transportation, pursuant to general rules adopted by the transportation commission, determines* a hardship would result, this limitation may be exceeded upon approval of the [commission] *department of transportation*; (c) prior to issuing a permit a qualified [highway] *transportation department* employee shall make a visual inspection of the building and route involved determining that the conditions listed herein shall be complied with and that structures or overhead obstructions may be cleared or moved in order to maintain a constant and uninterrupted movement; (d) special escort or other precautions may be imposed to assure movement is made under the safest possible conditions, and the Washington state patrol shall be advised when and where the movement is to be made; (2) permits may be issued for widths of vehicles in excess of the preceding limitations on highways or sections of highways which have been designed and constructed for width in excess of such limitations; (3) these limitations may be rescinded when certification is made by military officials or by officials of public or private power facilities, when in the opinion of the [highway commission] *department of transportation*, the movement or action is a necessary emergency movement or action: PROVIDED FURTHER, That the structures and highway surfaces on the routes involved are determined to be capable of sustaining widths in excess of such limitation; (4) these limitations shall not apply to farmers moving farm machinery between farms during daylight hours if the movement does not pass along and upon any [primary or secondary] state highway for a distance greater than one hundred miles, if properly patrolled and flagged; (5) these limitations shall not apply to movement during daylight hours on any two lane state highway where the gross weight, including load, does not exceed forty-five thousand pounds and the overall width of load does not exceed sixteen feet: PROVIDED, That the minimum and maximum speed of such movements, prescribed routes of such movements, the times of such movements, limitation upon frequency of trips (which limitation shall be not less than one per week), and conditions to assure safety of traffic may be prescribed by the [highway commission] *department of transportation* or local authority issuing such special permit.

The applicant for any special permit shall specifically describe the vehicle or vehicles and load to be operated or moved and the particular state highways for which permit to operate is requested and whether such permit is requested for a single trip or for continuous operation.

Sec. 32. Section 46.44.095, chapter 12, Laws of 1961 as last amended by section 1, chapter 76, Laws of 1974 ex. sess. and RCW 46.44.095 are each amended to read as follows:

When fully licensed to the maximum gross weight permitted under RCW 46.44.040, a two-axle truck or a three-axle truck operated as a solo unit and not in combination shall be eligible to carry gross weight in excess of that permitted for such a vehicle in RCW 46.44.040 upon the payment to the [state highway commission] *department of transportation* of a fee of thirty dollars for each one thousand pounds of excess weight: PROVIDED, That the axle loads of such vehicles shall not exceed the limits specified in RCW 46.44.040 and the tire limits specified in RCW 46.44.042 or the wheel-base requirements specified in RCW 46.44.044.

When fully licensed to a minimum gross weight of seventy-two thousand pounds a three or more axle truck tractor and a three or more axle dromedary truck tractor, and a three or more axle truck, when operating in combination with another vehicle or vehicles (the licensed gross weight of which, if any, shall be included when computing the minimum gross weights set forth above), shall be eligible under special permits to be issued by the [state highway commission] *department of transportation* to carry additional gross loads beyond the licensed capacity of the combination of vehicles upon the payment of a fee based upon thirty dollars per year for each one thousand pounds of such additional gross weight but not to exceed one hundred and twenty dollars for the total additional weight: PROVIDED, That the axle loads of such vehicles shall not exceed the limits specified in RCW 46.44.040 and the tire limits specified in RCW 46.44.042: AND PROVIDED FURTHER, That the gross weight of a three or more axle truck operated in combination with a two or three axle trailer shall not exceed seventy-six thousand pounds, and the gross weight for a three or more axle truck tractor operated in combination with a semitrailer shall not exceed seventy-three thousand two hundred eighty pounds except where the semitrailer is eligible to carry a gross load of thirty-six thousand pounds pursuant to the provisions of RCW 46.44.040, in which event the maximum gross weight of the combination shall not exceed seventy-six thousand pounds. The minimum additional tonnage to be purchased pursuant to this paragraph for a three or more axle tractor to be operated in combination with a semitrailer shall be not less than one thousand two hundred and eighty pounds. The permits provided for in the two preceding paragraphs shall be known as class A additional tonnage permits.

In addition to the gross weight purchased pursuant to RCW 46.16.070, 46.15.115, 46.44.037, and the foregoing provisions of this section and where, in the case of combinations of vehicles, the maximum gross weight permitted by law, including the preceding provisions of this section, has been purchased, a special permit for additional gross weight may be issued by the [state highway commission] *department of transportation* upon the payment of thirty-seven dollars and fifty cents per year for each one thousand pounds of such additional gross weight: PROVIDED, The tire limits specified in RCW 46.44.042 shall apply, and the gross weight on any single axle shall not exceed twenty thousand pounds and the gross load on any group of axles shall not exceed the following table:

Distance in feet between the extremes of any group of 2 or more consecutive axles

Maximum load in pounds carried on any group of 2 or more consecutive axles

	2 axles	3 axles	4 axles	5 axles	6 axles	7 axles	8 axles	9 axles
4	34,000							
5	34,000							
6	34,000							
7	34,000							
8	34,000	42,000						
9	39,000	42,500						
10	40,000	43,500						
11		44,000						
12		45,000	50,000					
13		45,500	50,500					
14		46,500	51,500					

	2 axles	3 axles	4 axles	5 axles	6 axles	7 axles	8 axles	9 axles
15		47,000	52,000					
16		48,000	52,500	58,000				
17		48,500	53,500	58,500				
18		49,500	54,000	59,000				
19		50,000	54,500	60,000				
20		51,000	55,500	60,500	66,000			
21		51,500	56,000	61,000	66,500			
22		52,500	56,500	61,500	67,000			
23		53,000	57,500	62,500	68,000			
24		54,000	58,000	63,000	68,500	74,000		
25		54,500	58,500	64,500	69,000	74,500		
26		55,500	59,500	65,000	69,500	75,000		
27		56,000	60,000	65,000	70,000	75,500		
28		57,000	60,500	65,500	71,000	76,500	82,000	
29		57,500	61,500	66,000	71,500	77,000	82,500	
30		58,500	62,000	66,500	72,000	77,500	83,000	
31		59,000	62,500	67,500	72,500	78,000	83,500	
32		60,000	63,500	68,000	73,000	78,500	84,500	90,000
33			64,000	68,500	74,000	79,000	85,000	90,500
34			64,500	69,000	74,500	80,000	85,500	91,000
35			65,500	70,000	75,000	80,500	86,000	91,500
36			66,000	70,500	75,500	81,000	86,500	92,000
37			66,500	71,000	76,000	81,500	87,000	93,000
38			67,500	72,000	77,000	82,000	87,500	93,500
39			68,000	72,500	77,500	82,500	88,500	94,000
40			68,500	73,000	78,000	83,500	89,000	94,500
41			69,500	73,500	78,500	84,000	89,500	95,000
42			70,000	74,000	79,000	84,500	90,000	95,500
43			70,500	75,000	80,000	85,000	90,500	96,000
44			71,500	75,500	80,500	85,500	91,000	96,500
45			72,000	76,000	81,000	86,000	91,500	97,500
46			72,500	76,500	81,500	87,000	92,500	98,000
47			73,500	77,500	82,000	87,500	93,000	98,500
48			74,000	78,000	83,000	88,000	93,500	99,000
49			74,500	78,500	83,500	88,500	94,000	99,500
50			75,500	79,000	84,000	89,000	94,500	100,000
51			76,000	80,000	84,500	89,500	95,000	100,500
52			76,500	80,500	85,000	90,500	95,500	101,000
53			77,500	81,000	86,000	91,000	96,500	102,000
54			78,000	81,500	86,500	91,500	97,000	102,500
55			78,500	82,500	87,500	92,000	97,500	103,000
56			79,500	83,000	87,500	92,500	98,000	103,500
57			80,000	83,500	88,000	93,000	98,500	104,000
58				84,000	89,000	94,000	99,000	104,500
59				85,000	89,500	94,500	99,500	105,000
60				85,500	90,000	95,000	100,500	105,500

Permits issued pursuant to the foregoing paragraph shall be known as class B additional tonnage permits.

The special permits provided for in this section shall be issued [under such rules and regulations and] upon such terms and conditions as may be prescribed by the [state highway] department pursuant to general rules adopted by the transportation commission. Such special permits shall entitle the permittee to carry such additional load in such an amount and upon such highways or sections of highways as may be determined by the [state highway commission] department of transportation to be capable of with-

standing such increased gross load without undue injury to the highway: PROVIDED, That the permits shall not be valid on any highway where the use of such permits would deprive this state of federal funds for highway purposes.

The annual additional tonnage permits provided for in this section shall commence on the first of January of each year. The permits may be purchased at any time, and if they are purchased for less than a full year, the fee shall be one-twelfth of the full fee multiplied by the number of months, including any fraction thereof, covered by the permit. When the department issues a duplicate permit to replace a lost or destroyed permit and where the department transfers a permit from one vehicle to another a fee of five dollars shall be charged for each such duplicate issued or each such transfer. The [state highway commission] *department of transportation* shall issue such special permits on a temporary basis for periods not less than ten days at a fee of one dollar per day in the case of class A permits and not less than five days at two dollars per day in the case of class B permits.

The fees levied in RCW 46.44.094 and this section shall not apply to any vehicles owned and operated by the state of Washington, any county within the state or any city or town or metropolitan municipal corporation within the state, or by the federal government.

In the case of fleets prorating license fees under the provisions of chapter 46.85 RCW the fees provided for in RCW 46.44.037 and 46.44.095 shall be computed by the [state highway commission] *department of transportation* by applying the proportion of the Washington mileage of the fleet in question to the total mileage of the fleet as reported pursuant to chapter 46.85 RCW to the fees that would be required to purchase the additional weight allowance for all eligible vehicles or combinations of vehicles for which the extra weight allowance is requested.

The [state highway commission] *department of transportation* shall prorate the fees provided in RCW 46.44.037 and 46.44.095 only if the name of the operator or owner is submitted on official listings of authorized fleet operators furnished by the department of motor vehicles. Listings furnished shall also include the percentage of mileage operated in Washington, which shall be the same percentage as determined by the department of motor vehicles, for purposes of prorating license fees.

Sec. 33. Section 2, chapter 16, Laws of 1963 as last amended by section 1, chapter 103, Laws of 1974 ex. sess. and RCW 46.61.405 are each amended to read as follows:

Whenever the [state highway commission] *secretary of transportation* shall determine upon the basis of an engineering and traffic investigation that any maximum speed hereinbefore set forth is greater than is reasonable or safe with respect to a state highway under the conditions found to exist at any intersection or upon any other part of the state highway system or at state ferry terminals, or that a general reduction of any maximum speed hereinbefore set forth would aid in the conservation of energy resources, [said commission] *the secretary* may determine and declare a *reasonable and safe* lower maximum limit or a *lower maximum limit which will reasonably conserve energy resources*, for any state highway, the entire state highway system, or any portion thereof, which shall be effective when appropriate signs giving notice thereof are erected. The [commission] *secretary* may also fix and regulate the speed of vehicles on any state highway within the maximum speed limit allowed by this chapter for special occasions including, but not limited to, local parades and other special events. Any such maximum speed limit may be declared to be effective at all times or at such times as are indicated upon the said signs; and differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective (a) when posted upon appropriate fixed or variable signs or (b) if a maximum limit is established for auto stages which is lower than the limit for automobiles, the auto stage speed limit shall become effective thirty days after written notice thereof is mailed in the manner provided in subsection (4) of RCW 46.61.410, *as now or hereafter amended*.

Sec. 34. Section 3, chapter 16, Laws of 1963 as last amended by section 2, chapter 103, Laws of 1974 ex. sess. and RCW 46.61.410 are each amended to read as follows:

(1) Subject to subsection (2) below the [state highway commission] *secretary* may

increase the maximum speed limit on any highway or portion thereof to not more than seventy miles per hour in accordance with the design speed thereof (taking into account all safety elements included therein), or whenever [said commission] *the secretary* determines upon the basis of an engineering and traffic investigation that such greater speed is reasonable and safe under the circumstances existing on such part of the highway. The greater maximum limit so determined shall be effective, when appropriate signs giving notice thereof are erected, or if a maximum limit is established for auto stages which is lower than the limit for automobiles, the auto stage speed limit shall become effective thirty days after written notice thereof is mailed in the manner provided in subsection (4) of this section.

Such maximum speed limit may be declared to be effective at all times or at such times as are indicated upon said signs or in the case of auto stages, as indicated in said written notice; and differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective when posted upon appropriate fixed or variable signs or if a maximum limit is established for auto stages which is lower than the limit for automobiles, the auto stage speed limit shall become effective thirty days after written notice thereof is mailed in the manner provided in subsection (4) of this section.

(2) The maximum speed limit for vehicles over ten thousand pounds gross weight and vehicles in combination except auto stages shall not exceed sixty miles per hour and may be established at a lower limit by the [state highway commission] *secretary* as provided in RCW 46.61.40, *as now or hereafter amended*.

(3) The word "trucks" used by the [state highway commission] *department* on signs giving notice of maximum speed limits shall mean vehicles over ten thousand pounds gross weight and all vehicles in combination except auto stages.

(4) Whenever the [state highway commission] *secretary* shall establish maximum speed limits for auto stages lower than the maximum limits for automobiles, the secretary [of the state highway commission] shall [mail] *cause to be mailed* notice thereof to each auto transportation company holding a certificate of public convenience and necessity issued by the Washington utilities and transportation commission. The notice shall be mailed to the chief place of business within the state of Washington of each auto transportation company or if none then its chief place of business without the state of Washington.

Sec. 35. Section 4, chapter 16, Laws of 1963 as amended by section 3, chapter 103, Laws of 1974 ex. sess. and RCW 46.61.415 are each amended to read as follows:

(1) Whenever local authorities in their respective jurisdictions determine on the basis of an engineering and traffic investigation that the maximum speed permitted under [this act] *RCW 46.61.400 or 46.61.440* is greater or less than is reasonable and safe under the conditions found to exist upon a highway or part of a highway, the local authority may determine and declare a reasonable and safe maximum limit thereon which

- (a) Decreases the limit at intersections; or
- (b) Increases the limit but not to more than sixty miles per hour; or
- (c) Decreases the limit but not to less than twenty miles per hour.

(2) Local authorities in their respective jurisdictions shall determine by an engineering and traffic investigation the proper maximum speed for all arterial streets and shall declare a reasonable and safe maximum limit thereon which may be greater or less than the maximum speed permitted under RCW 46.61.400(2) but shall not exceed sixty miles per hour.

(3) The [state highway commission] *secretary of transportation* is authorized to establish speed limits on county roads and city and town streets as shall be necessary to conform with any federal requirements which are a prescribed condition for the allocation of federal funds to the state.

(4) Any altered limit established as hereinbefore authorized shall be effective when appropriate signs giving notice thereof are erected. Such maximum speed limit may be declared to be effective at all times or at such times as are indicated upon such signs; and differing limits may be established for different times of day, different types of vehi-

cles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective when posted upon appropriate fixed or variable signs.

(5) Any alteration of maximum limits on state highways within incorporated cities or towns by local authorities shall not be effective until such alteration has been approved by the [state highway commission] *secretary of transportation*.

Sec. 36. Section 6, chapter 16, Laws of 1963 as last amended by section 1, chapter 135, Laws of 1969 and RCW 46.61.425 are each amended to read as follows:

(1) No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law: PROVIDED, That a person following a vehicle driving at less than the legal maximum speed and desiring to pass such vehicle may exceed the speed limit, subject to the provisions of RCW 46.61.120 on highways having only one lane of traffic in each direction, at only such a speed and for only such a distance as is necessary to complete the pass with a reasonable margin of safety.

(2) Whenever the [state highway commission] *secretary of transportation* or local authorities within their respective jurisdictions determine on the basis of an engineering and traffic investigation that slow speeds on any part of a highway unreasonably impede the normal movement of traffic, the [commission] *secretary* or such local authority may determine and declare a minimum speed limit thereat which shall be effective when appropriate signs giving notice thereof are erected. No person shall drive a vehicle slower than such minimum speed limit except when necessary for safe operation or in compliance with law.

Sec. 37. Section 46.48.041, chapter 12, Laws of 1961 as amended by section 4, chapter 103, Laws of 1974 ex. sess. and RCW 46.61.430 are each amended to read as follows:

Notwithstanding any law to the contrary or inconsistent herewith, the [Washington state highway commission] *secretary of transportation* shall have the power and the duty to fix and regulate the speed of vehicles within the maximum speed limit allowed by law for state highways, designated as limited access facilities, regardless of whether a portion of said highway is within the corporate limits of a city or town. No governing body or authority of such city or town or other political subdivision may have the power to pass or enforce any ordinance, rule, or regulation requiring a different rate of speed, and all such ordinances, rules, and regulations contrary to or inconsistent therewith now in force are void and of no effect.

Sec. 38. Section 46.48.080, chapter 12, Laws of 1961 and RCW 46.61.450 are each amended to read as follows:

It shall be unlawful for any person to operate a vehicle or any combination of vehicles over any bridge or other elevated structure or through any tunnel or underpass constituting a part of any public highway at a rate of speed or with a gross weight or of a size which is greater at any time than the maximum speed or maximum weight or size which can be maintained or carried with safety over any such bridge or structure or through any such tunnel, or underpass when such bridge, structure, tunnel or underpass is sign posted as hereinafter provided. The [state highway commission] *secretary of transportation*, if it be a bridge, structure, tunnel, or underpass upon a state highway, or the governing body or authorities of any county, city, or town, if it be upon roads or streets under their jurisdiction, may restrict the speed which may be maintained or the gross weight or size which may be operated upon or over any such bridge or elevated structure or through any such tunnel or underpass with safety thereto. The [state highway commission] *secretary* or the governing body or authorities of any county, city, or town having jurisdiction shall determine and declare the maximum speed or maximum gross weight or size which such bridge, elevated structure, tunnel, or underpass can withstand or accommodate and shall cause suitable signs stating such maximum speed or maximum gross weight, or size, or either, to be erected and maintained on the right hand side of such highway, road, or street and at a distance of not less than one hundred feet from each end of such bridge, structure, tunnel, or underpass and on the approach thereto: PROVIDED, That in the event that any such bridge, elevated structure, tunnel, or underpass is upon a city street designated by the [state highway] *trans-*

portation commission as forming a part of the route of any state highway through any such incorporated city or town the determination of any maximum speed or maximum gross weight or size which such bridge, elevated structure, tunnel, or underpass can withstand or accommodate shall not be enforceable at any speed, weight, or size less than the maximum allowed by law, unless with the approval in writing of the [state highway commission] *secretary*. Upon the trial of any person charged with a violation of this section, proof of either violation of maximum speed or maximum weight, or size, or either, and the distance and location of such signs as are required, shall constitute conclusive evidence of the maximum speed or maximum weight, or size, or either, which can be maintained or carried with safety over such bridge or elevated structure or through such tunnel or underpass.

Sec. 39. Section 66, chapter 155, Laws of 1965 ex. sess. as amended by section 35, chapter 62, Laws of 1975 and RCW 46.61.570 are each amended to read as follows:

(1) Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic-control device, no person shall:

- (a) Stop, stand, or park a vehicle:
 - (i) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
 - (ii) On a sidewalk or street planting strip;
 - (iii) Within an intersection;
 - (iv) On a crosswalk;
 - (v) Between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the ends of a safety zone, unless official signs or markings indicate a different no-parking area opposite the ends of a safety zone;
 - (vi) Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;
 - (vii) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
 - (viii) On any railroad tracks;
 - (ix) In the area between roadways of a divided highway including crossovers; or
 - (x) At any place where official signs prohibit stopping [.] ;
- (b) Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:
 - (i) In front of a public or private driveway or within five feet of the end of the curb radius leading thereto;
 - (ii) Within fifteen feet of a fire hydrant;
 - (iii) Within twenty feet of a crosswalk;
 - (iv) Within thirty feet upon the approach to any flashing signal, stop sign, yield sign, or traffic control signal located at the side of a roadway;
 - (v) Within twenty feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five feet of said entrance when properly signposted; or
 - (vi) At any place where official signs prohibit standing [.] ;
- (c) Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading property or passengers:
 - (i) Within fifty feet of the nearest rail of a railroad crossing; or
 - (ii) At any place where official signs prohibit parking.
- (2) Parking or standing shall be permitted in the manner provided by law at all other places except a time limit may be imposed or parking restricted at other places, but such limitation and restriction shall be by city ordinance or county resolution or order of the [state highway commission] *secretary of transportation* upon highways under their respective jurisdictions.
- (3) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such a distance as is unlawful.
- (4) It shall be unlawful for any person to reserve or attempt to reserve any portion of a highway for the purpose of stopping, standing, or parking to the exclusion of any

other like person, nor shall any person be granted such right.

Sec. 40. Section 67, chapter 155, Laws of 1965 ex. sess, as amended by section 36, chapter 62, Laws of 1975 and RCW 46.61.575 are each amended to read as follows:

(1) Except as otherwise provided in this section, every vehicle stopped or parked upon a two-way roadway shall be so stopped or parked with the right-hand wheels parallel to and within twelve inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder.

(2) Except when otherwise provided by local ordinance, every vehicle stopped or parked upon a one-way roadway shall be so stopped or parked parallel to the curb or edge of the roadway, in the direction of authorized traffic movement, with its right-hand wheels within twelve inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder, or with its left-hand wheels within twelve inches of the left-hand curb or as close as practicable to the left edge of the left-hand shoulder.

(3) Local authorities may by ordinance or resolution permit angle parking on any roadway, except that angle parking shall not be permitted on any federal-aid or state highway unless the [state highway commission] *secretary of transportation* has determined by [resolution or] order that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

(4) The [state highway commission] *secretary* with respect to highways under [its] *his* jurisdiction may place official traffic control devices prohibiting, limiting, or restricting the stopping, standing, or parking of vehicles on any highway where [in its opinion, as evidenced by resolution or] *the secretary has determined by order*, such stopping, standing, or parking is dangerous to those using the highway or where the stopping, standing, or parking of vehicles would unduly interfere with the free movement of traffic thereon. No person shall stop, stand, or park any vehicle in violation of the restrictions indicated by such devices.

Sec. 41. Section 46.68.120, chapter 12, Laws of 1961 as last amended by section 47, chapter 195, Laws of 1973 1st ex. sess. and RCW 46.68.120 are each amended to read as follows:

Funds to be paid to the counties of the state shall be subject to deduction and distribution as follows:

(1) Three-fourths of one percent of such sums shall be deducted monthly as such sums accrue and set aside for the use of the [state highway commission] *department of transportation* and the county road administration board for the supervision of work and expenditures of such counties on the county roads thereof, *including the supervision and administration of federal-aid programs for which the department of transportation has responsibility*: That any moneys so retained and not expended shall be credited in the succeeding biennium to the counties in proportion to deductions herein made;

(2) All sums required to be repaid to counties composed entirely of islands shall be deducted;

(3) The balance remaining to the credit of counties after such deductions shall be paid to the several counties monthly, as such funds accrue, upon the basis of the following formula:

(a) Ten percent of such sum shall be divided equally among the several counties.

(b) Thirty percent shall be paid to each county in direct proportion that the sum of the total number of private automobiles and trucks licensed by registered owners residing in unincorporated areas and seven percent of the number of private automobiles and trucks licensed by registered owners residing in incorporated areas within each county bears to the total of such sums for all counties. The number of registered vehicles so used shall be as certified by the [director of the] department of [motor vehicles] *transportation* for the year next preceding the date of calculation of the allocation amounts. The [director of the] department shall first supply such information not later than the fifteenth day of February, 1956, and on the fifteenth of February each two years thereafter.

(c) Thirty percent shall be paid to each county in direct proportion that the product of the county's trunk highway mileage and its prorated estimated annual cost per trunk mile as provided in subsection (e) is to the sum of such products for all counties. County

trunk highways are defined as county roads regularly used by school buses and/or rural free delivery mail carriers of the United States post office department, but not foot carriers. Determination of the number of miles of county roads used in each county by school buses shall be based solely upon information supplied by the superintendent of public instruction who shall on October 1, 1955, and on October 1st of each odd-numbered year thereafter furnish the [state highway] *transportation* commission with a map of each county upon which is indicated the county roads used by school buses at the close of the preceding school year, together with a detailed statement showing the total number of miles of county highway over which school buses operated in each county during such year. Determination of the number of miles of county roads used in each county by rural mail carriers on routes serviced by vehicles during the year shall be based solely upon information supplied by the United States postal department as of January 1st of the even-numbered years.

(d) Thirty percent of such sum shall be paid to each of the several counties in the direct proportion that the product of the trunk highway mileage of the county and its "money need factor" as defined in subsection (f) is to the total of such products for all counties.

(e) Every four years, beginning with the 1958 allocation, the [highway] *transportation* commission and the legislative transportation committee shall reexamine or cause to be reexamined all the factors on which the estimated annual costs per trunk mile for the several counties have been based and shall make such adjustments as may be necessary. The following formula shall be used: One twenty-fifth of the estimated total county road replacement cost, plus the total annual maintenance cost, divided by the total miles of county road in such county, and multiplied by the result obtained from dividing the total miles of county road in said county by the total trunk road mileage in said county. For the purpose of allocating funds from the motor vehicle fund, a county road shall be defined as one established as such by resolution or order of establishment of the board of county commissioners. The first allocation of funds shall be based on the following prorated estimated annual costs per trunk mile for the several counties as follows:

Adams	\$1,227.00
Asotin	1,629.00
Benton	1,644.00
Chelan	2,224.00
Clallam	2,059.00
Clark	1,710.00
Columbia	1,391.00
Cowlitz	1,696.00
Douglas	1,603.00
Ferry	1,333.00
Franklin	1,612.00
Garfield	1,223.00
Grant	1,714.00
Grays Harbor	2,430.00
Island	1,153.00
Jefferson	2,453.00
King	2,843.00
Kitsap	1,938.00
Kittitas	1,565.00
Klickitat	1,376.00
Lewis	1,758.00
Lincoln	1,038.00
Mason	1,748.00
Okanogan	1,260.00
Pacific	2,607.00
Pend Oreille	1,753.00
Pierce	2,276.00
San Juan	1,295.00

Skagit	1,966.00
Skamania	2,023.00
Snohomish	2,269.00
Spokane	1,482.00
Stevens	1,068.00
Thurston	1,870.00
Wahkiakum	2,123.00
Walla Walla	1,729.00
Whatcom.	1,738.00
Whitman	1,454.00
Yakima	1,584.00

PROVIDED, HOWEVER, That the prorated estimated annual costs per trunk mile in this subsection shall be adjusted every four years, beginning with the 1958 allocation by the [highway] *transportation* commission on the basis of changes in the trunk and total county road mileage based on information supplied by the superintendent of public instruction, the United States postal department and the annual reports of the county road departments.

(f) The "money need factor" for each of the several counties shall be the difference between the prorated estimated annual costs as listed above and the sum of the following three amounts divided by the county trunk highway mileage:

(1) The equivalent of a two dollar and twenty-five cents per thousand dollars of assessed value tax levy on the valuation, as equalized by the state department of revenue for state purposes, of all taxable property in the county road districts;

(2) One-fourth the sum of all funds received by the county from the federal forest reserve fund during the two calendar years next preceding the date of the adjustment of the allocation amounts as certified by the state treasurer; and

(3) One-half the sum of motor vehicle license fees and motor vehicle fuel tax refunded to the county during the two calendar years next preceding the date of the adjustment of the allocation amounts as provided in RCW 46.68.080. These shall be as supplied to the [highway] *transportation* commission by the state treasurer for that purpose. The department of revenue and the state treasurer shall supply the information herein requested on or before January 1, 1956 and on said date each two years thereafter.

The following formula shall be used for the purpose of obtaining the "money need factor" of the several counties: The prorated estimated annual cost per trunk mile multiplied by the trunk miles will equal the total need of the individual county. The total need minus the sum of the three resources set forth in subsection (f) shall equal the net need. The net need of the individual county divided by the total net needs for all counties shall equal the "money need factor" for that county.

(g) The [state highway] *transportation* commission shall adjust the allocations of the several counties on March 1st of every even-numbered year based solely upon the sources of information hereinbefore required: PROVIDED, That the total allocation factor composed of the sum of the four factors defined in subsections (a), (b), (c), and (d) shall be held to a level not more than five percent above or five percent below the total allocation factor in use during the previous two year period.

(h) The [highway] *transportation* commission and the legislative transportation committee shall relog or cause to be relogged the total road mileages upon which the prorated estimated annual costs per trunk mile are based and shall recalculate such costs on the basis of such relogging and shall report their findings and recommendations to the legislature at its next regular session.

(i) The [highway] *transportation* commission and the legislative transportation committee shall study and report their findings and recommendations to the legislature concerning the following problems as they affect the allocation of "motor vehicle fund" funds to counties:

(1) Comparative costs per trunk mile based on federal aid contracts versus those herein advocated [.]:

(2) Average costs per trunk mile [.]:

(3) The advisability of using either "trunk mileage" or "county road" mileage exclusively as the criterion instead of both as in this plan adopted [.] :

(4) Reassessment of bridge costs based on current information and relogging of bridges [.] :

(5) The items in the list of resources used in determining the "need factor" [.] :

(6) The development of a uniform accounting system for counties with regard to road and bridge construction and maintenance costs [.] ;

(7) A redefinition of rural and urban vehicles which better reflects the use of said vehicles in county roads.

Sec. 42. Section 2, chapter 173, Laws of 1963 as amended by section 2, chapter 39, Laws of 1969 ex. sess. and RCW 47.05.020 are each amended to read as follows:

The [state highway commission] *department of transportation* is hereby directed to conduct periodic analyses of the entire state highway system, and based thereon, to subdivide and classify according to their function and importance all designated state highways and those added from time to time other than the national system of interstate and defense highways and periodically review and revise the classifications, into the following additional four functional classes:

(1) The "principal state highway system" which shall comprise not to exceed twenty percent of the total state highway mileage other than the interstate system [.] ;

(2) The "major state highway system" which shall comprise not to exceed thirty-five percent of the total state highway mileage other than the interstate system [.] ;

(3) The "collector state highway system" which shall comprise not to exceed thirty-five percent of the total state highway mileage other than the interstate system [.] :

(4) The "other state highway system".

In making such functional classification the [highway commission] *department* shall be governed by reasonable [rules and regulations] *policies* adopted by the commission, and give consideration to the following criteria:

(a) Urban population centers within and without the state stratified and ranked according to size;

(b) Important traffic generating economic activities, including but not limited to recreation, agriculture, government, business, and industry;

(c) Feasibility of route, including availability of alternate routes within and without the state;

(d) Directness of travel and distance between points of economic importance;

(e) Length of trips;

(f) Character and volume of traffic;

(g) Preferential consideration for multiple service;

(h) Reasonable spacing depending upon population density; and

(i) System continuity, except for the "other" system.

Sec. 43. Section 3, chapter 173, Laws of 1963 as last amended by section 4, chapter 12, Laws of 1973 2nd ex. sess. and RCW 47.05.030 are each amended to read as follows:

The [state highway commission] *department of transportation* shall adopt and periodically revise *in accordance with the policies established by the transportation commission* and after consultation with the legislative transportation committee and senate and house transportation and utilities committees a long range plan for highway improvements, specifying highway planning objectives to be accomplished within a fourteen year advance planning period, and within the framework of revenue estimates for such period. The plan shall be based upon the construction needs for state highways as determined and segregated according to functional class by the [highway commission] *department* from time to time.

With such reasonable deviations as may be required to effectively utilize the available funds and to adjust to unanticipated delays in programmed projects, the [highway commission] *department* shall allocate the estimated available funds, so as to carry out such rates of completion within a fourteen year advance planning period on that part of the national system of interstate and defense highways on which the federal government participates financially at the interstate rate under federal law and regulations, on the

parts of the national system of interstate and defense highways on which federal aid participation is less than the regular interstate rate under federal law and regulations; and on the remaining four functional classes as the [highway commission] *department*, acting pursuant to [reasonable rules and regulations] *policies* adopted by the commission, shall determine to be necessary in order to maintain a balanced development of the state's highway system, considering primarily the following factors:

- (a) The relative remaining needs of each functional class of highways;
- (b) The estimated available funds;
- (c) Continuity of future developments with those previously programmed; and
- (d) Graduation of rates of completion according to functional class importance.

Sec. 44. Section 7, chapter 173, Laws of 1963 as amended by section 7, chapter 12, Laws of 1973 2nd ex. sess. and RCW 47.05.070 are each amended to read as follows:

The [state highway] *transportation commission*, with the assistance of the *department*, shall [prepare] *approve* and present to the governor and to the legislature [at the time of] *prior* to its convening, a recommended budget for the ensuing biennium. The biennial budget shall include details of proposed expenditures, performance and public service criteria for construction, maintenance, and planning activities in consonance with the six-year comprehensive program and financial plan adopted under provisions of RCW 47.05.040.

Sec. 45. Section 47.12.010, chapter 13, Laws of 1961 as amended by section 4, chapter 108, Laws of 1967 and RCW 47.12.010 are each amended to read as follows:

Whenever it is necessary to secure any lands or interests in land for a right of way for any state highway, or for the drainage thereof or construction of a protection therefor or so as to afford unobstructed vision therefor toward any railroad crossing or another public highway crossing or any point of danger to public travel or to provide a visual or sound buffer between highways and adjacent properties or for the purpose of acquiring sand pits, gravel pits, borrowpits, stone quarries, or any other land for the extraction of materials for construction or maintenance or both, or for any site for the erection upon and use as a maintenance camp, of any state highway, or any site for other necessary structures or for structures for the health and accommodation of persons traveling or stopping upon the state highways of this state, or any site for the construction and maintenance of structures and facilities adjacent to, under, upon, within, or above the right of way of any state highway for exclusive or nonexclusive use by an urban public transportation system, or for any other highway purpose, together with right of way to reach such property and gain access thereto, the [highway commission] *department of transportation* is authorized to acquire such lands or interests in land in behalf of the state by gift, purchase, or condemnation. In case of condemnation to secure such lands or interests in land, the action shall be brought in the name of the state of Washington in the manner provided for the acquiring of property for the public uses of the state, and in such action the selection of the lands or interests in land by the [highway commission] *secretary of transportation* shall, in the absence of bad faith, arbitrary, capricious, or fraudulent action, be conclusive upon the court and judge before which the action is brought that said lands or interests in land are necessary for public use for the purposes sought. The cost and expense of such lands or interests in land may be paid as a part of the cost of the state highway for which such right of way, drainage, unobstructed vision, sand pits, gravel pits, borrow pits, stone quarries, maintenance camp sites, and structure sites or other lands are acquired.

Sec. 46. Section 47.12.060, chapter 13, Laws of 1961 and RCW 47.12.060 are each amended to read as follows:

When a state highway is relocated and the old route is abandoned, and the new route crosses land owned by a person who owns land abutting on the old route, the [Washington state highway commission] *department* may agree with the owner to convey to him title to the old route or a part thereof as all or part consideration for his land to be taken for the new route.

Whenever the state has abandoned any highway rights of way, pit sites, or stock pile sites or owns land not needed for highway purposes, the [Washington state highway commission] *department* may sell same to abutting owners for the fair market value or

exchange with any person as a consideration or part consideration for lands or property rights needed by the state, or may sell same by public auction whenever it is deemed in the public interest to do so.

The [Washington state highway commission shall certify the agreement to the governor with a description of the property to be conveyed, and the governor may execute and the secretary of state shall attest] *secretary of transportation shall execute the deed, which shall be duly acknowledged, and deliver it to the grantee.*

Sec. 47. Section 47.12.070, chapter 13, Laws of 1961 as amended by section 2, chapter 91, Laws of 1969 and RCW 47.12.070 are each amended to read as follows:

If the [Washington state highway commission] *department* deems that any land is no longer required for state highway purposes and that it is in the public interest so to do, [said highway commission] *the department* may negotiate for the sale of the land to a city or county of the state. [The state highway commission shall certify the agreement for the sale to the governor, with a description of the land and the terms of the sale, and the governor may execute and the secretary of the state shall attest] *If a sale is agreed to, the secretary of transportation shall execute the deed, which shall be duly acknowledged, and deliver it to the grantee.*

Any moneys received pursuant to the provisions of this section shall be deposited in the motor vehicle fund.

Sec. 48. Section 47.12.080, chapter 13, Laws of 1961 and RCW 47.12.080 are each amended to read as follows:

Whenever in the construction, reconstruction, location, or improvement of any state highway it may become necessary to transfer and convey to the United States, its agencies or instrumentalities, to any municipal subdivision of this state, or to any public utility company, any unused state highway right of way or real property, and in the judgment of the [highway commission] *secretary of transportation* and the attorney general, such transfer and conveyance is consistent with public interest, the [highway commission] *secretary* may enter into agreements accordingly. Whenever the [highway commission] *secretary* shall make any such agreement for any such transfer or conveyance, and [together with] the attorney general *concurs therein*. [certifies to the governor that such agreement has been made setting forth in such certification a description of the lands or premises involved, the governor may execute and the secretary of state shall attest] *the secretary shall execute* and deliver unto the United States government, or its agencies or instrumentalities, unto any municipal subdivision of this state, or unto any public utility company, a *duly acknowledged* deed of conveyance, easement, or other instrument necessary to fulfill the terms of the aforesaid agreement. All moneys paid to the state of Washington under any of the provisions hereof shall be deposited in the motor vehicle fund.

Sec. 49. Section 47.12.120, chapter 13, Laws of 1961 as amended by section 1, chapter 91, Laws of 1969 and RCW 47.12.120 are each amended to read as follows:

The [highway commission] *department* is authorized, subject to the provisions and requirements of zoning ordinances of political subdivisions of government, to rent or lease any lands, improvements, or air space above or below any lands, including those used or to be used for both limited access and conventional highways which are held for highway purposes but are not presently needed, upon such terms and conditions as the [highway commission] *department* may determine.

Sec. 50. Section 47.12.130, chapter 13, Laws of 1961 and RCW 47.12.130 are each amended to read as follows:

Whenever the [state] *department* [of highways] shall have title to any parcel of land *acquired for highway purposes* which the [state highway commission] *secretary of transportation* shall determine is not necessary for highway purposes, the [commission] *secretary of transportation* is authorized to [cause] *deed* such land [to be deeded] to the owner of land abutting upon such parcel in consideration, or partial consideration, for other lands owned by such property owner which the [highway commission] *department* deems to be necessary for highway purposes. [The governor is authorized to execute and the secretary of state shall attest the conveyances necessary to carry out such exchange.]

Sec. 51. Section 47.12.140, chapter 13, Laws of 1961 and RCW 47.12.140 are each amended to read as follows:

Whenever the [state highway] department shall have acquired any lands for highway purposes, except state granted lands, upon which are located any structures, timber, or other thing of value attached to the land, which the [state highway commission] department shall deem it best to sever from the land and sell as personal property, the same may be sold by the department [of highways] at public auction after due notice thereof shall have been given in accordance with general regulations [prescribed] adopted by the [state highway commission] secretary. The [state highway commission] department may set minimum prices that will be accepted for any item offered for sale at public auction as herein provided and may prescribe terms or conditions of sale and, in the event that any item shall be offered for sale at such auction and for which no satisfactory bids shall be received or for which the amount bid shall be less than the minimum set by the [commission] department, it shall be lawful for the [commission] department to sell such item at private sale for the best price which it deems obtainable but at not less than the highest price bid at the public auction. The proceeds of all sales under this section shall be placed in the motor vehicle fund.

Sec. 52. Section 47.12.150, chapter 13, Laws of 1961 and RCW 47.12.150 are each amended to read as follows:

Whenever the [highway commission] department shall need for highway purposes land or property rights belonging to the United States government or any municipality or political subdivision of the state, or which shall be a part of the right of way of any public utility having authority to exercise powers of eminent domain, when the acquisition of such property by the state will result in the displacement of any existing right of way or facility, the [state highway commission] department is authorized to acquire by condemnation or otherwise such lands and property rights as shall be needed to relocate such right of way or facilities so displaced and to exchange lands or property rights so acquired in consideration or partial consideration for the land or property rights needed for highway purposes. The [governor, at the request of the state highway commission,] secretary of transportation shall execute all conveyances, duly acknowledged, necessary to accomplish such exchange.

Sec. 53. Section 2, chapter 281, Laws of 1961 and RCW 47.12.190 are each amended to read as follows:

The [Washington state highway commission] department, in addition to its other powers and duties as provided by law, is authorized to purchase or condemn any real property or property rights therein which it deems will be necessary for the improvements of routes on the state highway system by the method provided in RCW 47.12.180 through 47.12.240. Condemnation actions brought hereunder shall be brought in the name of the state as provided for acquiring property for the public uses of the state, and in such actions selection of the property and property rights by the [highway commission] secretary of transportation is conclusive that they are necessary for the purposes sought, in the absence of bad faith, or arbitrary, capricious, or fraudulent action.

Sec. 54. Section 3, chapter 281, Laws of 1961 as amended by section 2, chapter 197, Laws of 1969 ex. sess. and RCW 47.12.200 are each amended to read as follows:

The [highway] transportation commission may enter into agreements with the state finance committee for financing the acquisition, by purchase or condemnation, of real property together with engineering costs that the [highway] transportation commission deems will be necessary for the improvement of the state highway system. Such agreements may provide for the acquisition of an individual parcel or for the acquisition of any number of parcels within the limits of a contemplated highway project.

Sec. 55. Section 5, chapter 281, Laws of 1961 as amended by section 4, chapter 197, Laws of 1969 ex. sess. and RCW 47.12.220 are each amended to read as follows:

Each such agreement shall include, but shall not be limited to the following:

- (1) A provision stating the term of the agreement which shall not extend more than seven years from the effective date of the agreement [.] ;
- (2) A designation of the specific fund or funds to be used to carry out such agreement [.] ;

(3) A provision that the [highway commission] *department of transportation* may redeem warrants purchased by the state finance committee at any time prior to the letting of a highway improvement contract utilizing the property; and further, during the effective period of each such agreement the [highway commission] *department of transportation* shall redeem such warrants whenever such a highway improvement contract is let, or upon the expiration of such agreement, whichever date is earlier [.] ;

(4) A provision stating the rate of interest such warrants shall bear commencing at the time of purchase by the state finance committee [.] ;

(5) Any additional provisions agreed upon by the [highway] *transportation* commission and the state finance committee which are necessary to carry out the purposes of such agreement as indicated by RCW 47.12.180 through 47.12.240, *as now or hereafter amended*.

Sec. 56. Section 47.24.010, chapter 13, Laws of 1961 as amended by section 3, chapter 95, Laws of 1973 and RCW 47.24.010 are each amended to read as follows:

The [state highway] *transportation* commission shall determine what streets, together with bridges thereon and wharves necessary for use for ferriage of motor vehicle traffic in connection with such streets, if any, in any incorporated cities and towns shall form a part of the route of state highways and between the first and fifteenth days of July of any year the [state highway commission] *department of transportation* shall certify to the clerk of each city or town, by brief description, the streets, together with the bridges thereon and wharves, if any, in such city or town which are designated as forming a part of the route of any state highway; and all such streets, including curbs and gutters and street intersections and such bridges and wharves, shall thereafter be a part of the state highway system and as such shall be constructed and maintained by the [state highway commission] *department of transportation* from any state funds available therefor: PROVIDED, That the responsibility for the construction and maintenance of any such street together with its appurtenances may be returned to a city or a town upon certification by the [state highway commission] *department of transportation* to the state auditor and to the clerk of any city or town that such street, or portion thereof, is no longer required as a part of the state highway system: PROVIDED FURTHER, That any such certification that a street, or portion thereof, is no longer required as a part of the state highway system shall be made between the first and fifteenth of July following the determination by the [state highway commission] *department* that such street or portion thereof is no longer required as a part of the state highway system, but this shall not prevent the [state highway commission] *department* and any city or town from entering into an agreement that a city or town will accept responsibility for such a street or portion thereof at some time other than between the first and fifteenth of July of any year.

Sec. 57. Section 20, chapter 83, Laws of 1967 ex. sess. as amended by section 3, chapter 171, Laws of 1969 ex. sess. and RCW 47.26.140 are each amended to read as follows:

The [assistant director of highways for state aid] *department of transportation* shall furnish necessary staff services and facilities required by the urban arterial board. The cost of such services, together with travel expenses of the members and all other lawful expenses of the board, shall be paid from the urban arterial trust account in the motor vehicle fund. The urban arterial board may appoint an executive secretary who shall serve at its pleasure and whose salary shall be set by the board and paid from the urban arterial trust account in the motor vehicle fund.

Sec. 58. Section 47.28.010, chapter 13, Laws of 1961 and RCW 47.28.010 are each amended to read as follows:

Whenever the general route of any state highway shall be designated and laid out as running to or by way of certain designated points, without specifying the particular route to be followed to or by way of such points, the [highway] *transportation* commission shall determine the particular route to be followed by said state highway to or by way of said designated points, and shall be at liberty to select and adopt as a part of such state highway, the whole or any part of any existing public highway previously designated as a county road, primary road, or secondary road or now or hereafter classified

as a county road. The [highway] commission need not select and adopt the entire routes for such state highways at one time, but may select and adopt parts of such routes from time to time as it deems advisable. Where a state highway is designated as passing by way of a certain point, this shall not require the [highway] commission to cause such state highway to pass through or touch such point but such designation is directional only and may be complied with by location in the general vicinity. The [highway commission] *department of transportation* is empowered to construct as a part of any state highway as designated and in addition to any portion meeting the limits of any incorporated city or town a bypass section either through or around any such incorporated city or town.

Sec. 59. Section 47.36.020, chapter 13, Laws of 1961 and RCW 47.36.020 are each amended to read as follows:

The [highway commission] *secretary of transportation* shall adopt specifications for a uniform system of traffic control signals consistent with the provisions of this title for use upon public highways within this state. Such uniform system shall correlate with and so far as possible conform to the system current as approved by the American Association of State Highway Officials and as set out in the manual of uniform traffic control devices for streets and highways.

Sec. 60. Section 47.36.030, chapter 13, Laws of 1961 and RCW 47.36.030 are each amended to read as follows:

The [highway commission] *secretary of transportation* shall have the power and it shall be its duty to adopt and designate a uniform state standard for the manufacture, display, erection, and location of all signs, signals, signboards, guideposts, and other traffic devices erected or to be erected upon the state highways of the state of Washington for the purpose of furnishing information to persons traveling upon such state highways regarding traffic regulations, directions, distances, points of danger, and conditions requiring caution, and for the purpose of imposing restrictions upon persons operating vehicles thereon. Such signs shall conform as nearly as practicable to the manual of specifications for the manufacture, display, and erection of uniform traffic control devices for streets and highways and all amendments, corrections, and additions thereto. The [highway commission] *department of transportation* shall prepare plans and specifications of the uniform state standard of traffic devices so adopted and designated, showing the materials, colors, and designs thereof, and shall upon the issuance of any such plans and specifications or revisions thereof and upon request, furnish to the boards of county commissioners and the governing body of any incorporated city or town, a copy thereof. Signs, signals, signboards, guideposts, and other traffic devices erected on county roads shall conform in all respects to the specifications of color, design, and location [devised] *approved* by the [highway commission] *secretary*. Traffic devices hereafter erected within incorporated cities and towns shall conform to such uniform state standard of traffic devices so far as is practicable.

Sec. 61. Section 47.52.027, chapter 13, Laws of 1961 and RCW 47.52.027 are each amended to read as follows:

The [state highway commission] *secretary of transportation* may adopt design standards, rules, and regulations relating to construction, maintenance, and control of access of the national system of interstate and defense highways within this state as it deems advisable to properly control access thereto, to preserve the traffic-carrying capacity of such highways, and to provide the maximum degree of safety to users thereof. In adopting such standards, rules, and regulations the [commission] *secretary* shall take into account the policies, rules, and regulations of the *United States* secretary of commerce and the [bureau of public roads] *federal highway administration* relating to the construction, maintenance, and operation of the system of interstate and defense highways. The standards, rules, and regulations so adopted by the [commission] *secretary* shall constitute the public policy of this state and shall have the force and effect of law.

Sec. 62. Section 5, chapter 75, Laws of 1965 ex. sess. and RCW 47.52.139 are each amended to read as follows:

Upon receipt of the findings and order adopting a plan, the county, city, or town

may notify the [state highway commission] *department of transportation* of its approval of such plan in writing, in which event such plan shall be final.

In the event that a county, city, or town does not approve the plan, the county, city, or town shall file its disapproval in writing with the [state highway commission] *secretary of transportation* within thirty days after the mailing thereof to such mayor or county commissioner. Along with the written disapproval shall be filed a written request for a hearing before a board of review, hereinafter referred to as the board. The request for hearing shall set forth the portions of the plan of the [state highway commission] *department* to which the county, city, or town objects, and shall include every issue to be considered by the board. The hearing before a board of review shall be governed by RCW 47.52.150 through 47.52.190, *as now or hereafter amended*.

Sec. 63. Section 47.52.150, chapter 13, Laws of 1961 as amended by section 3, chapter 103, Laws of 1963 and RCW 47.52.150 are each amended to read as follows:

Upon request for a hearing before the board by any county, city, or town, a board consisting of five members shall be appointed as follows: The mayor or the county commissioners, as the case may be shall appoint two members of the board, of which one shall be a duly elected official of the city, county, or legislative district, except that of the legislative body of the county, city, or town requesting the hearing, subject to confirmation by the legislative body of the city or town; the [state highway commission] *secretary of transportation* shall appoint two members of the board [who shall not be members of such commission]; and one member shall be selected by the four members thus appointed. Such fifth member shall be a licensed civil engineer or a recognized professional city or town planner, who shall be chairman of the board. In the case both the county and an included city or town request a hearing, the board shall consist of nine members appointed as follows: The mayor and the county commission shall each appoint two members from the elective officials of their respective jurisdictions, and of the four thus selected no more than two thereof may be members of a legislative body of the county, city, or town. The [state highway commission] *secretary of transportation* shall appoint four members of the board [who shall not be members of such commission]. One member shall be selected by the members thus selected, and such ninth member shall be a licensed civil engineer or a recognized city or town planner, who shall be chairman of the board. Such boards as are provided by this section shall be appointed within thirty days after [the next meeting of the state highway commission immediately following] the receipt of such a request by the [commission] *secretary*. In the event the [state highway commission] *secretary* or a county, city, or town shall not appoint members of the board or members thus appointed fail to appoint a fifth or ninth member of the board, as the case may be, either the [state highway commission] *secretary* or the county, city, or town may apply to the superior court of the county in which the county, city, or town is situated to appoint the member or members of the board in accordance with the provisions of this chapter.

Sec. 64. Section 47.52.180, chapter 13, Laws of 1961 and RCW 47.52.180 are each amended to read as follows:

At the conclusion of such hearing, the board shall consider the evidence taken and shall make specific findings with respect to the objections and issues within thirty days after the hearing, which findings shall approve, disapprove, or modify the proposed plan of the [state highway commission] *department of transportation*. Such findings shall be final and binding upon both parties.

Sec. 65. Section 47.56.030, chapter 13, Laws of 1961 as last amended by section 3, chapter 180, Laws of 1969 ex. sess. and RCW 47.56.030 are each amended to read as follows:

The [state highway commission] *department of transportation* shall have full charge of the construction of all toll bridges and other toll facilities including the Washington state ferries [that may be authorized by the Washington toll bridge authority], and the operation and maintenance thereof [and the collection of tolls and charges thereon]. *The transportation commission shall determine and establish the tolls and charges thereon, and shall perform all duties and exercise all powers relating to the financing, refinancing, and fiscal management of the state ferry systems, and bonded in-*

debtedness in the manner provided by law. The [commission] *department* shall have full charge of design of all toll facilities. The [commission] *department* shall proceed with the construction of such toll bridges and other facilities and the approaches thereto by contract in the manner of state highway construction immediately upon there being made available funds for such work and shall prosecute such work to completion as rapidly as practicable. The [highway commission] *department* is authorized to negotiate contracts for any amount without bid in order to make repairs to ferries or ferry terminal facilities or removal of such facilities whenever continued use of ferries or ferry terminal facilities constitutes a real or immediate danger to the traveling public or precludes prudent use of such ferries or facilities.

Sec. 66. Section 47.56.070, chapter 13, Laws of 1961 and RCW 47.56.070 are each amended to read as follows:

The [authority] *department of transportation, with the approval of the transportation commission,* may provide for the establishment, construction, and operation of toll tunnels, toll roads, and other facilities necessary for their construction and connection with public highways of the state. It may cause surveys to be made to determine the propriety of their establishment, construction, and operation, and may acquire rights of way and other facilities necessary to carry out the provisions hereof; and may issue, sell, and redeem bonds, and deposit and expend them; secure and remit financial and other assistance in the construction thereof; carry insurance thereon; and handle any other matters pertaining thereto, all of which shall be conducted in the same manner and under the same procedure as provided for the establishing, constructing, operating, and maintaining of toll bridges by the [authority] *department,* insofar as reasonably consistent and applicable. No toll facility, toll bridge, toll road, or toll tunnel, shall be combined with any other toll facility for the purpose of financing unless such facilities form a continuous project, to the end that each such facility or project be self-liquidating and self-sustaining [; PROVIDED, That no toll road shall be constructed, obligations for the construction thereof entered into, or right of way acquired without prior approval of the location, plans and specifications by the Washington state highway commission].

Sec. 67. Section 47.56.080, chapter 13, Laws of 1961 and RCW 47.56.080 are each amended to read as follows:

Whenever in the judgment of the [highway] *transportation commission* it is considered in the best interest of the public highways of the state that any new toll bridge or bridges be constructed upon any public highway and across any stream, body of water, gulch, navigable water, swamp, or other topographical formation and operated by the state the [highway] *commission* shall [submit its recommendation to that effect to the Washington toll bridge authority together with preliminary estimates of the cost of such construction and an estimate of the amount necessary to be raised for such purpose by the issuance of revenue bonds, and a statement of the probable amount of money, property, materials or labor to be contributed from other sources in aid of any such construction. If the Washington toll bridge authority concurs in the recommendation of the highway commission or on its own notion determines to construct any toll bridge or toll bridges, the Washington toll bridge authority shall] adopt a resolution declaring that public interest and necessity require the construction of such toll bridge or bridges and authorizing the issuance of revenue bonds for the purpose of obtaining funds in an amount not in excess of that estimated to be required for such construction. The issuance of bonds as provided in this chapter for the construction of more than one toll bridge may at the discretion of the [Washington toll bridge authority] *commission* be included in the same authority and issue of bonds.

Sec. 68. Section 47.56.090, chapter 13, Laws of 1961 and RCW 47.56.090 are each amended to read as follows:

[Whenever the Washington toll bridge authority shall authorize and direct the highway commission to construct a toll bridge the highway commission] *the department of transportation is empowered to secure right of way* [therefor] *for toll bridges* and for approaches thereto by gift or purchase, or by condemnation in the manner provided by law for the taking of private property for public highway purposes.

Sec. 69. Section 47.56.120, chapter 13, Laws of 1961 and RCW 47.56.120 are each amended to read as follows:

In the event that the [Washington toll bridge authority] *transportation commission* should determine that any toll bridge should be constructed [under its authority it shall authorize and direct the highway commission to construct such toll bridge. In the event the highway commission is authorized and directed to construct such toll bridge], all cost thereof including right of way, survey, and engineering shall be paid out of any funds available for payment of the cost of such toll bridge under this chapter.

Sec. 70. Section 47.56.250, chapter 13, Laws of 1961 and RCW 47.56.250 are each amended to read as follows:

Whenever a proposed toll bridge, toll road, toll tunnel, or any other toll facility of any sort is to be constructed, any city, county, or other political subdivision located in relation to such facility so as to benefit directly or indirectly thereby, may, either jointly or separately, at the request of the [Washington state highway commission or the authority] *transportation commission* advance or contribute money, or bonds, rights of way, labor, materials, and other property toward the expense of building the toll facility, and for preliminary surveys and the preparation of plans and estimates of cost therefor and other preliminary expenses. Any such city, county, or other political subdivision may, either jointly or separately, at the request of the *transportation commission* [or the authority] *commission* advance or contribute money or bonds for the purpose of guaranteeing the payment of interest or principal on the bonds issued by the [authority] *commission* to finance the toll facility. Appropriations for such purposes may be made from any funds available, including county road funds received from or credited by the state, or funds obtained by excess tax levies made pursuant to law or the issuance of general obligation bonds for this purpose. General obligation bonds issued by a city, county, or political subdivision may with the consent of the [state highway] commission [or the authority] be placed with the [Washington toll bridge authority] *department of transportation* to be sold by the [authority] *department* to provide funds for such purpose. Money, or bonds, or property so advanced or contributed may be immediately transferred or delivered to the [authority] *department* to be used for the purpose for which contribution was made. The [authority] *commission* may enter into an agreement with a city, county, or other political subdivision to repay any money, or bonds or the value of a right of way, labor, materials, or other property so advanced or contributed. The [authority] *commission* may make such repayment to a city, county, or other political subdivision and reimburse the state for any expenditures made by it in connection with the toll facility out of tolls and other revenues for the use of the toll facility.

Sec. 71. Section 3, chapter 257, Laws of 1961 as amended by section 3, chapter 177, Laws of 1973 1st ex. sess. and RCW 47.56.254 are each amended to read as follows:

If the [authority] *secretary of transportation* determines that any real property (including lands, improvements thereon, and any interests or estates) held by the [authority] *department* is no longer required for purposes of the [authority] *department* the [authority] *department* shall offer it for sale as authorized by RCW 47.56.252 or [in the manner and with the authority authorized to the state highway commission by] RCW 47.12.280. The [authority] *department* may adopt rules further implementing this section [as granted to the highway commission by RCW 47.12.2801].

NEW SECTION. Sec. 72. There is added to Title 47 RCW a new section to read as follows:

If any part of this title or any section of this 1975 amendatory act is ruled to be in conflict with federal requirements which are a prescribed condition of the allocation of federal funds to the state, or to any department or agencies thereof, such conflicting part or section is declared to be inoperative solely to the extent of the conflict. No such ruling shall affect the operation of the remainder of the act. Any internal reorganization carried out under the terms of this title or any section of this 1975 amendatory act shall meet federal requirements which are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. Sec. 73. If any provision of this 1975 amendatory act, or its ap-

plication 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. 74. The rule of strict construction shall have no application to this title, and it shall be liberally construed in order to carry out the objectives for which it is designed. Any ambiguities arising from its interpretation should be resolved consistently with the broad purposes set forth in section 1 of this 1975 amendatory act.

NEW SECTION. Sec. 75. Title 47 RCW, presently titled "Public Highways" shall, upon the implementation of this 1975 amendatory act, be known and referred to as "Public Highways and Transportation".

NEW SECTION. Sec. 76. The following acts or parts of acts are each repealed:

- (1) Section 47.01.010, chapter 13, Laws of 1961 and RCW 47.01.010;
- (2) Section 47.01.020, chapter 13, Laws of 1961 and RCW 47.01.020;
- (3) Section 47.01.030, chapter 13, Laws of 1961, section 1, chapter 1, Laws of 1965 ex. sess. and RCW 47.01.030;
- (4) Section 47.01.040, chapter 13, Laws of 1961, section 31, chapter 170, Laws of 1965 ex. sess. and RCW 47.01.040;
- (5) Section 47.01.050, chapter 13, Laws of 1961 and RCW 47.01.050;
- (6) Section 47.01.060, chapter 13, Laws of 1961 and RCW 47.01.060;
- (7) Section 47.01.080, chapter 13, Laws of 1961 and RCW 47.01.080;
- (8) Section 47.01.090, chapter 13, Laws of 1961 and RCW 47.01.090;
- (9) Section 47.01.100, chapter 13, Laws of 1961 and RCW 47.01.100;
- (10) Section 47.01.110, chapter 13, Laws of 1961 and RCW 47.01.110;
- (11) Section 47.01.120, chapter 13, Laws of 1961 and RCW 47.01.120;
- (12) Section 47.01.130, chapter 13, Laws of 1961, section 10, chapter 307, Laws of 1961 and RCW 47.01.130;
- (13) Section 1, chapter 29, Laws of 1974 ex. sess. and RCW 47.01.160; and
- (14) Section 10, chapter 278, Laws of 1961, section 30, chapter 170, Laws of 1965 ex. sess. and RCW 47.56.034.

NEW SECTION. Sec. 77. This 1975 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions and shall take effect on July 1, 1975."

QUESTION OF CONSIDERATION

Senator Henry raised the question of consideration on the amendment by Senator Bluechel striking everything after the enacting clause and inserting new sections 1 through 77.

Senator Bluechel demanded a roll call and the demand was sustained by Senators Washington, Fleming, Bottiger, Newschwander, Scott, Jones, North, Pullen and Grant.

The President declared the question before the Senate to be consideration by the Senate of the amendment by Senator Bluechel striking everything after the enacting clause and inserting new sections 1 through 77 on Senate Bill No. 2535.

ROLL CALL

The Secretary called the roll and the motion to consider the amendment by Senator Bluechel carried by the following vote: Yeas, 23; nays 20; absent or not voting, 3; excused, 3.

Voting yea: Senators Bluechel, Bottiger, Buffington, Clarke, Cunningham, Fleming, Goltz, Gould, Grant, Jones, Lewis (R. H. "Bob"), Matson, McDermott, Morrison, Newschwander, North, Pullen, Scott, Sellar, Walgren, Wanamaker, Washington, Wilson—23.

Voting nay: Senators Bailey, Beck, Benitz, Donohue, Guess, Henry, Herr, Jolly, Keefe, Knoblauch, Marsh, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Stortini, Van Hollebeke, von Reichbauer, Woody—20.

Absent or not voting: Senators Lewis (Harry), Mardesich, Talley—3.

Excused: Senators Day, Francis, Murray—3.

Debate ensued.

MOTION

On motion of Senator Lewis (R. H. "Bob"), Senator Lewis (Harry) was excused.

Senator Bluechel demanded a roll call and the demand was sustained by Senators Bailey, Washington, Jones, Buffington, Gould, Scott, Pullen, Van Hollebeke and Bottiger.

The President declared the question before the Senate to be the roll call on the amendment by Senator Bluechel striking everything after the enacting clause and inserting new sections 1 through 77.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 9; nays, 34; absent or not voting, 2; excused, 4.

Voting yea: Senators Bluechel, Fleming, Gould, Grant, Jones, McDermott, North, Scott, Walgren—9.

Voting nay: Senators Bailey, Beck, Benitz, Bottiger, Buffington, Clarke, Cunningham, Donohue, Goltz, Guess, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis (R. H. "Bob"), Marsh, Matson, Morrison, Newschwander, Odegard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Stortini, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Woody—34.

Absent or not voting: Senators Mardesich, Talley—2.

Excused: Senators Day, Francis, Lewis (Harry), Murray—4.

On motion of Senator Henry the rules were suspended, Engrossed Substitute Senate Bill No. 2535 was advanced to third reading, the second reading considered 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. 2535 and the bill passed the Senate by the following vote: Yeas, 39; nays, 5; absent or not voting, 1; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bottiger, Buffington, Clarke, Cunningham, Donohue, Fleming, Goltz, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Newschwander, Odegard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Stortini, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Woody—39.

Voting nay: Senators Bluechel, Gould, North, Scott, Wilson—5.

Absent or not voting: Senator Talley—1.

Excused: Senators Day, Francis, Lewis (Harry), Murray—4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2535, having received the constitutional majority, was declared passed. 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, Engrossed Substitute Senate Bill No. 2535 was ordered immediately transmitted to the House.

MOTION

At 12:55 p.m., on motion of Senator Mardesich, the Senate recessed until 2:00 p.m.

AFTERNOON SESSION

The President called the Senate to order at 2:00 p.m.

MOTIONS

On motion of Senator Knoblauch, Senator Herr was excused.

On motion of Senator Lewis (R. H. "Bob"), Senators Cunningham and Pullen were excused.

There being no objection, Senator Donohue was excused.

SPECIAL ORDER OF BUSINESS

SECOND READING

HOUSE BILL NO. 267, by Representatives Randall, Pardini and Erickson (by Department of Revenue request):

Pertaining to pollution control credits or exemptions.

The time having arrived, the Senate commenced consideration of House Bill No. 267.

REPORT OF STANDING COMMITTEE

May 1, 1975.

HOUSE BILL NO. 267, pertaining to pollution control credits or exemptions (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 35, after "apply" and before "to" insert "also".

On page 3, line 2, after "procedures" strike "as shall be".

On page 3, line 3, after "regulations" strike the period and add "as may be necessary to accommodate a claim for exemption or credit."

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson, Second Vice Chairman; Clarke, Fleming, Jones, Lewis (Harry), Marsh, Murray, Rasmussen, Scott, Washington.

The bill was read the second time by sections.

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

Senator Talley moved adoption of the following amendment by Senators Talley and Morrison:

Beginning on line 8, immediately following the enacting clause, insert a new section 1 as follows:

"Section 1. Section 5, chapter 139, Laws of 1967 ex. sess. and RCW 82.34.050 are each amended to read as follows:

(1) The original acquisition of a facility by the holder of a certificate shall be exempt from sales tax imposed by chapter 82.08 RCW and use tax imposed by chapter 82.12 RCW when the due date for payment of such taxes is subsequent to the effective date of the certificate: PROVIDED, That the exemption of this section shall not apply to servicing, maintenance, repairs, and replacement of parts after a facility is complete and placed in operation. *Sales and use taxes paid by a holder of a certificate with respect to expenditures incurred for acquisition of a facility prior to the issuance of a certificate may be claimed as a tax credit as provided in subsection (2) of this section.*

(2) Subsequent to July 30, 1967 the holder of the certificate may, in lieu of accepting the tax exemption provided for in this section, elect to take a tax credit in the total amount of the exemption for the facility covered by such certificate against any future taxes to be paid pursuant to chapters 82.04, 82.12 and 82.16 RCW: PROVIDED, That on and after July 30, 1967 if such person elects to take a tax credit for a facility under this subsection he may not take further credit under RCW 82.04.435."

Renumber remaining sections consecutively.

On motion of Senator Odegaard, the following amendment to the amendment by Senators Talley and Morrison was adopted:

On the next to last line of subsection (1) of the amendment, after "certificate" and before "may" insert "covering such facility".

The motion by Senator Talley carried and the amendment, as amended, was adopted.

On motion of Senator Odegaard, the rules were suspended, House Bill No. 267, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 267, 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 Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Goltz, Gould, Grant, Guess, Henry, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, Newschwander, North, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—39.

Voting nay: Senator McDermott—1.

Absent or not voting: Senators Fleming, Scott—2.

Excused: Senators Cunningham, Day, Donohue, Francis, Herr, Murray, Pullen—7.

HOUSE BILL NO. 267, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Substitute House Bill No. 1141.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1141, by Committee on Transportation and Utilities (originally sponsored by Representatives Gaines, Parker, Martinis, Sherman, North, Patterson, Dunlap, Freeman, Gilleland and Polk):

Providing for expedited decision regarding construction of highway between Bellevue and Seattle.

The bill was read the second time by sections.

On motion of Senator Walgren, the rules were suspended, Substitute House Bill No. 1141 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 Walgren, Substitute House Bill No. 1141 was ordered held on the third reading calendar for Thursday, May 22, 1975.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Engrossed Substitute House Bill No. 413.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 413, by Committee on Education (originally sponsored by Representatives Wojahn, O'Brien, Pardini, Sommers, Fortson, Valle, Brown, Haley, Lysen, Bagnariol and Maxie):

Implementing law to eliminate sex discrimination in the public schools.

REPORT OF STANDING COMMITTEE

April 18, 1975.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 413, implementing law to eliminate sex discrimination in the public schools (reported by Committee on Education):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 12, after "sex" and before the semi-colon insert a period and strike all the remaining material down to and including the period on line 14.

On page 2, line 35, after "sex" and before the period insert "": PROVIDED, That

separation is permitted within any class during sessions on sex education and within classes where students are engaging in contact sports".

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

The bill was read the second time by sections.

On motion of Senator Stortini, the committee amendment to page 2, line 12 was adopted.

Senator Stortini moved adoption of the committee amendment to page 2, line 35.

On motion of Senator Gould, the following amendment by Senators Gould, Stortini and North to the committee amendment was adopted:

Amend the committee amendment to page 2, line 35 as follows: After "education" strike the remainder of the amendment and insert "or gym classes".

The motion by Senator Stortini carried and the committee amendment, as amended, was adopted.

There being no objection, the amendment by Senator Stortini to page 2, line 30 inserting "during the 1975-1976 school year, and every three years thereafter" was withdrawn.

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

On page 2, line 30 after "distribute" and before "to" strike "annually" and insert "every three years".

On motion of Senator Stortini, the following amendment was adopted on a rising vote:

On page 3, add new sections following section 7 as follows:

"NEW SECTION. Sec. 8. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW a new section to read as follows:

The board of directors of any common school district may authorize local schools to establish and collect a fee from students and nonstudents as a condition to their attendance at any optional noncredit extra-curricular event of the school which is of a cultural, social, recreational or athletic nature: **PROVIDED,** That an optional comprehensive fee may be established and collected for any combination of such events, or, in the alternative, a fee may be established and collected as a condition to attendance at any single event. Fees collected pursuant to this section shall be deposited in the associated student body program fund of the school district, and may be expended to defray the costs of optional noncredit extra-curricular events of such a cultural, social, recreational or athletic nature, or to otherwise support the activities and programs of the local school collecting the fee.

NEW SECTION. Sec. 9. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW a new section to read as follows:

There shall be created in the county treasury a fund to be known as the associated student body fund of the particular school depositing with the treasurer funds therefor, to be used as an operating fund by any school having an associated student body as defined in RCW 28A.58.115. All moneys generated through the programs and activities of the associated student body shall be deposited in the associated student body program fund. Such funds may be invested for the sole benefit of the associated student body program fund in items enumerated in RCW 28A.58.440 and the county treasurer may assess a fee as provided therein. Disbursements from such fund shall be at the request of the local school, and with the approval, of the board of directors of the school district, and shall be by warrant as provided in chapter 28A.66 RCW: **PROVIDED,** That in no case shall such warrants be issued in an amount greater than the funds on deposit with the county treasurer in the associated student body program fund. To facilitate the payment of minor or unexpected obligations, or obligations which require immediate payment, an imprest bank account or accounts may be created and replenished from the associated student body program fund.

NEW SECTION. Sec. 10. Section 1, chapter 52, Laws of 1973 and RCW 28A.58.115 are each amended to read as follows:

As used in this section, an "associated student body" means the formal organization of the students of a school formed with the approval of and regulation by the board

of directors of the school district in conformity to the rules and regulations promulgated by the superintendent of public instruction.

The superintendent of public instruction, after consultation with appropriate school organizations and students, shall promulgate rules and regulations to designate the powers and responsibilities of the boards of directors of the school districts of the state of Washington in developing efficient administration, management, and control of moneys, records, and reports of the associated student bodies organized in the public school of the state.

The application of the provisions of this section is suspended until July 1, 1976.

NEW SECTION. Sec. 11. If any provision of this 1975 amendatory act, or its application to any person or circumstances is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 12. Section 1 of this 1975 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of state government and existing public institutions, and shall take effect July 1, 1975."

Strike the existing remaining section.

On motion of Senator Stortini, the following amendment to the title was adopted:

In line 3 of the title after the semi-colon and before "and" insert "adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW; amending section 1, Laws of 1973, amending section 1, chapter 52, Laws of 1973 and RCW 28A.58.115;" and in line 3 of the title strike the period and insert "; and declaring an emergency."

On motion of Senator Stortini, the rules were suspended, Engrossed Substitute House Bill No. 413, 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 Knoblauch: "Would Senator Stortini yield to a question? Senator, I have not received a single letter from home on this measure. Can you tell me how we got along so well so many years without this bill?"

Senator Stortini: "That is a tough one, Senator. I will try to answer it though. You know, I do not think women want to compete against men. I am sure of that. I think that women in general want to complement the men's programs, especially in athletics. They do not want to, whether it be the college or university level or the high school level, get into the rigamaroles that they have in recruiting and so on. They just want the same kind of practices that the men have, the scheduling, the coaches with the experience, and that type of thing. And I think it is a necessity, Senator, that in our society today where we have just as many or more women in high school that they too have the same opportunities as the men."

POINT OF INQUIRY

Senator Lewis (R. H. "Bob"): "Will Senator Stortini yield? In high schools in my district, Senator Stortini, there are girls' tennis teams and there are boys' tennis teams, and girls' golf teams and boys' golf teams. These are non-contact sports. Now if this bill passes, would it be possible for the boys, if they say there is going to be no differentiation here in ability — let me read, 'specifically with respect to course offerings, all classes shall be required to be available to all students without respect to sex.' Does that mean boys can turn out for the girls' tennis team and the girls' golf team?"

Senator Stortini: "I think, Senator, there are a lot of reasons for mandating separate teams, but in a school where you have both guys and gals playing tennis and they do have separate teams; I think you will find that they also have teams where there are mixed doubles too, and there is no problem whatsoever. I think where you run into the problem probably is in the area of volleyball, because there are a lot of schools that have volleyball for the gals and not for the guys, and as I read the bill, yes, if that is the wishes of the school district, and they are going to be setting the policy, the guy would be able to turn out for that volleyball team or that tennis team."

Senator Lewis (R. H. "Bob"): "If a young man wanted to turn out for the girls' tennis team or girls' golf team, could the school district prohibit him from turning out for it?"

Senator Stortini: "To my knowledge, no."

Senator Lewis (R. H. "Bob"): "So it could work out that if it is a five person team we will say or six or whatever the number is for the golf team, and five young men happen to be superior golfers to the five best girls offered in the team, you could turn out to send your team of five boys over to compete against the five girls of the school then."

Senator Stortini: "I think, Senator Lewis, that the main thing the school board would be concerned about is that that board of directors would want to see to it that all students get a fair and an equal chance in playing this, but in answer to your question, yes, the guy would be able to turn out for that girls team."

Senator Gould: "In further answer to Senator Lewis's question, according to the amendment and the amended amendment, as I should state, on that very page that you read where it said 'all course offerings, all classes shall be required to be available to all students without regard to sex,' the amendment speaks, 'except provided that separation is permitted within any class during sessions on sex education and other classes where students are engaging in contact sports and in gym classes.' The amendment to the amendment says gym classes may be separated. They are in many schools and it is my understanding that the bill does not, with the amendment, require that they have to, because that part is stricken out of the bill as it came from the House, but they are not required if there is no such sport offered for each sex, why they are not required to accept them on the boys' team or the girls' team. They are just required to have offering of physical education classes and athletics for them."

POINT OF INQUIRY

Senator Pullen: "Would Senator Gould yield to a question? Section 2, subsection (1) (e) says that specifically with respect to public school employment, all schools shall be required to make no differences in condition of employment, including but not limited to hiring practices. Would that language or any other language in the bill require the establishment of sex quotas for the hiring of instructional personnel?"

Senator Gould: "No, there are not requirements for quotas. In my own experience, I have spent two years working on affirmative action programs in line with federal requirements which would be consistent with the state requirements in this bill which develop programs for advancement of minorities and women into administrative positions and they do not require quotas. You do require a plan. It does need to have goals but the goals are not in terms of quotas. Along this line, if I may say so, one of the needs in this area where thirty-one percent of the districts have not made policy changes in compliance with the provisions of HJR 61, one of these is the lack of women in public school administration. Only five percent of our elementary principals in the state of Washington are women. Five percent, that is considerably lower than it was twenty years ago. Few women are district level administrators and less than one percent of secondary principals are women. This points out to me that although thirty percent of all women educators hold Masters degrees and would be eligible for credentials with administrative experience but these are not being put in positions of administrative responsibility. Girls in schools need to see women in administrative roles to provide motivation for themselves. Boys need to see women in administrative roles to recognize them as capable and successful professionals, and I think an affirmative action program along the lines of this is one indication of how this could be brought about."

POINT OF INQUIRY

Senator Rasmussen: "Senator Stortini, would you yield to a question please? Senator Stortini, I see on page 1, line 28, where persons might be disrobed. Do they do this forcibly?"

Senator Stortini: "Yes, I see it."

Senator Rasmussen: "Where persons might be disrobed. It kind of has the inference

something like forcible action."

Senator Stortini: "What is your question now?"

Senator Rasmussen: "My question is, wouldn't they if they were in the shower being disrobed, in the nude?"

Senator Stortini: "First of all, Senator, they would have separate showers. Where there is one coach, such as in tennis, they have student leaders that go into the ladies shower and do supervise. There would be no problem whatsoever as far as the guys and gals in the same shower, Senator, if that is what you are concerned about."

Senator Rasmussen: "What I am thinking, we have antidiscrimination laws and we have blind teachers and it might be possible they were to assign a blind teacher to the students. Would you say they should not be? That is really not the main part of my question, but I just wanted to get you started thinking, Senator Stortini. On page 2, lines 29 through 32, and I think you amended this section to say they did not require an annual survey, but to determine student interest for male/female. Now in the ordinary language that we use today it is persons, person's participation, not male/female. Would you not be in violation of the Human Rights Commission in that section?"

Senator Stortini: "No, I do not think so, Senator. I think when you refer to male and female you are talking about persons in general."

Senator Rasmussen: "Not any more. Just persons. They are calling manhole covers personhole covers now. Senator Stortini, I was just trying to get you thinking. On page 3, section 4, 'any person aggrieved by a violation of this chapter or aggrieved by a violation of any regulation or guideline adopted hereunder shall have the right of action in superior court for civil damages and such equitable relief as the court shall determine.' What would the intention be there, that they would sue the school district, the principal, or the superintendent or whomever? What is the intention?"

Senator Stortini: "I think it is like any other suit that you have within a school itself, Senator. For example, if an accident happens in baseball it goes to the athletic director, the principal, and then the school board, and I think the same process would take place as far as discrimination."

Senator Rasmussen: "Yes, but you carry insurance for that type of thing. How do you carry insurance for discrimination?"

Senator Stortini: "That is not provided for in this bill, Senator."

Senator Rasmussen: "That is my concern, and then further down it says, 'This chapter shall be supplementary to and not to supersede existing law and procedures and future amendments thereto relating to unlawful discrimination based on sex.' You are tying this law to future changes but the Human Rights Commission, they have the power of law now and they make certain rules and regulations that is entirely separate from this chapter that you are creating here under House Bill 413. My concern is very definitely with that section 4 that you are opening the particular school district . . ."

Senator Stortini: "Senator, I do not think it would be any different than a grievance that a young man would have today, for example, with the WIAA, the athletic association. If a grievance does take place, such as at Stadium High School in Tacoma, where the young man wanted to play both soccer and golf, he would take it to that association's board and I think a young girl or a young man in this case would simply take it through the due process of law the same way, only through the courts rather than the athletic association, since we are stipulating this as a statute as compared to WIAA which is of course an entity all by itself."

Senator Rasmussen: "There have been a couple of recent suits, of course, without the benefit of this law, but I think that this will add to the proliferation of suits that some individual even down in the first or second grade may figure he is being deprived, the attorney files a suit and say 'My child shall play in that league,' or whatever it is."

Senator Stortini: "I think those that do come up in the future, Senator, will be handled, but I think the important thing is since we do have equality between the two sexes when it comes to the classroom or extracurricular activities."

Senator Rasmussen: "I am all in favor of that but I would hate to see us all tied up in lawsuits."

Further debate ensued.

MOTION

Senator Knoblauch moved that the rules be suspended and Engrossed Substitute House Bill No. 413, as amended by the Senate, be returned to second reading.

Debate ensued.

MOTION

Senator Jones moved that Engrossed Substitute House Bill No. 413, as amended by the Senate, be referred to the Committee on Ways and Means.

POINT OF ORDER

Senator Newschwander: "Is not the motion of equal rank and we have not decided on Senator Knoblauch's motion?"

There being no objection, the motion by Senator Knoblauch was withdrawn.

Debate ensued.

POINT OF INQUIRY

Senator Gould: "Would Senator Jones yield to a question? Senator, I would like to know what areas the impact is in the matter of dollars that it would cost local districts and I would like to be able to respond to those areas since I have had a great deal to do with this?"

Senator Jones: "I am only responding to the reaction that I have had from administration in the two districts that I am representing. In both instances they just fear the unknown. I think there are legal problems and there are facility problems and those are the two areas that I am concerned about. I am a friend, I voted ERA all the way, you know my concern with these questionnaires and I think it has a definite impact and I do not think it is going to help the long range plan for school funding."

Further debate ensued.

POINT OF INQUIRY

Senator Guess: "Would Senator Gould yield? Senator Gould, I was off the floor and the discussion on the floor as I returned leads me to indicate, or did you say that the textbooks are going to have to be corrected? What is the condition of that?"

Senator Gould: "The guidelines will be set up by the Superintendent of Public Instruction to comply with the Equal Rights Amendment. We are not asking or the bill does not speak that textbooks will have to be replaced. It just in essence states that as school districts do replace textbooks, which is the normal course of events, we normally in our district replace textbooks every six years staggered by areas of academic studies, one year math, one year social studies, etc. As these are replaced or as new instructional materials are developed, they will be looked at in terms of how they promote stereotyping and discrimination. That is only the way it is to be done."

Senator Guess: "Is there any way that the body can be reassured that this is not going to result in a wave of prematurely changing the textbooks?"

Senator Gould: "I think you can see it right now in the crunch that school districts are budgetwise. It is not practical at this point."

Senator Guess: "And the school boards would not be subject to lawsuits by the ERA or NOW to force them?"

Senator Gould: "I do not see as how they would, Senator. No more than we currently are under federal standards."

POINT OF INQUIRY

Senator Herr: "Will Senator Rasmussen yield to a question? Senator, I just heard part of this discussion here today and the thing that concerns me, I think you probably brought it up, now will this bring a fiscal impact to the state of Washington?"

Senator Rasmussen: "Senator Herr, the answer is, yes, it can be a tremendous fiscal impact because section 4 says, 'Any person aggrieved by a violation of this chapter or aggrieved by the violation of any regulation or guideline adopted hereunder.' This guideline says you may not have any form of discrimination and furthermore it pro-

vides in section 3, new section 3, 'The office of the Superintendent of Public Instruction shall be required to monitor the compliance by local school districts with this chapter, shall establish a compliance timetable and regulations for the enforcement of this chapter and shall establish guidelines.' Just the monitoring alone that the Superintendent's office does over here will probably increase their load tremendously in monitoring all the school districts."

Senator Herr: "Thank you, Senator Rasmussen."

Further debate ensued.

POINT OF INQUIRY

Senator Talley: "Will Senator Rasmussen yield to a question? Senator, I was very glad to hear you say you were in favor of women's rights, you were a defender of them and so forth, but about half the mail we are receiving is on this Women's Council which is in your committee. Do you intend to have any positive action on this in the next few days?"

Senator Rasmussen: "Senator, I wish you would not speak of half of the male, half of the person. And to answer your question directly, after we got over the other half, it was that some years ago this body along with the House, and the Governor signed it, set up the Human Rights Commission. The Human Rights Commission was set up purely for the purpose of stopping discrimination any place that it existed. I am in favor of setting up one agency, letting that agency handle it, give it the necessary funds in order to do the work, but again we are fragmenting our agencies. Here we are putting the Superintendent of Public Instruction in another field of stopping discrimination when we already have a body that is solely concerned with that. That is my reason, Senator, for saying leave it to the agency that we have set up to handle all these cases, and that includes age discrimination which will affect you and me pretty soon."

Senator Talley: "I still do not know whether you are going to take action on the bill or not."

Senator Rasmussen: "What bill, Senator?"

Senator Talley: "According to the correspondence, the women's rights bill."

Senator Rasmussen: "We are working on that to determine whether the Human Rights Commission has the ability to handle it. Yes, we are working on the problem."

Senator Talley: "Thank you."

POINT OF INQUIRY

Senator Newschwander: "I wonder if Senator Jones will yield to a question? Can you define for me the difference between fiscal and physical?"

Senator Jones: "Yes, I can spell them if it would help. Physical versus fiscal, one meaning money, the other meaning physical. I am speaking of fiscal impact. I believe it also has a physical impact."

Further debate ensued.

POINT OF INQUIRY

Senator Van Hollebeke: "Would Senator McDermott yield to a question? Senator McDermott, you began your remarks by questioning whether this bill should be referred to Ways and Means in the last ten days of this session. Do you have any special insight as to when this session is going to end?"

Senator McDermott: "Being neither a prophet nor a seer or a saint, I have no idea, but I do have some sense that we are moving toward the end."

Senator Stortini demanded a roll call and the demand was sustained by Senators Herr, Washington, Fleming, Ridder, Newschwander, Scott, Bluechel, Buffington, and North.

The President declared the question before the Senate to be the motion by Senator Jones that Engrossed Substitute House Bill No. 413, as amended by the Senate, be referred to the Committee on Ways and Means.

ROLL CALL

The Secretary called the roll and the motion by Senator Jones failed by the following vote: Yeas, 18; nays, 25; absent or not voting, 2; excused, 4.

Voting yea: Senators Benitz, Clarke, Cunningham, Guess, Herr, Jolly, Jones, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Morrison, Peterson, Pullen, Rasmussen, Van Hollebeke, Wanamaker, Woody—18.

Voting nay: Senators Bailey, Beck, Bluechel, Bottiger, Buffington, Fleming, Goltz, Gould, Grant, Henry, Keefe, Lewis (Harry), Matson, McDermott, Newschwander, North, Ridder, Sandison, Scott, Stortini, Talley, von Reichbauer, Walgren, Washington, Wilson—25.

Absent or not voting: Senators Odegard, Sellar—2.

Excused: Senators Day, Donohue, Francis, Murray—4.

Senators Newschwander, Lewis (Harry) and Stortini demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 413, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 413, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 32; nays, 13; excused, 4.

Voting yea: Senators Bailey, Beck, Bluechel, Bottiger, Buffington, Clarke, Fleming, Goltz, Gould, Grant, Henry, Keefe, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegard, Ridder, Sandison, Scott, Sellar, Stortini, Talley, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—32.

Voting nay: Senators Benitz, Cunningham, Guess, Herr, Jolly, Jones, Knoblauch, Mardesich, Peterson, Pullen, Rasmussen, Van Hollebeke, Woody—13.

Excused: Senators Day, Donohue, Francis, Murray—4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 413, 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 Substitute House Bill No. 413, as amended by the Senate, was ordered immediately transmitted to the House.

MOTION

On motion of Senator Mardesich, the Senate resumed consideration of Engrossed House Bill No. 587.

SECOND READING

ENGROSSED HOUSE BILL NO. 587, by Representatives Ceccarelli, Berentson, Perry, Chatalas and Leckenby:

Providing for creation of West Seattle access development commission.

The Senate resumed consideration of Engrossed House Bill No. 587. On May 13, 1975, the committee amendment was moved for adoption. At that time, Senator Buffington moved adoption of an amendment to the committee amendment.

There being no objection, the amendment by Senator Buffington to the committee amendment was withdrawn.

Senator Buffington moved adoption of the following amendment to the committee amendment:

On line 13 of section 2, strike all the matter beginning with "persons" down through "project" on page 2, line 1, and insert "the chief executive officer of the department of highways, the Port of Seattle, the department of commerce and economic devel-

opment, the municipality of metropolitan Seattle, and the mayor of the city of Seattle, or their designees"

Senator Guess commenced reading an oral amendment to the amendment.

PARLIAMENTARY INQUIRY

Senator Bailey: "Mr. President, I think I agree with Senator Guess. The only question I have is on procedure again, and why is it an oral amendment if it is in writing?"

Senator Guess: "Senator Bailey, because the amendment had been offered and mine was not prepared in time to get it distributed."

Senator Bailey: "Your amendment is in writing, is it not?"

Senator Guess: "It is now, yes."

Senator Bailey: "Mr. President, it would seem to me like there is no rule of the Senate that says that because it is not offered to every member on the desk that it is an oral amendment. What worries me is not what Senator Guess is doing today because he has a good amendment, but what worries me, we have had so many oral amendments every time we get up on the floor, we are going to go home and find out we voted some oral amendment that no one on the floor knew what they were voting on. I would like to see it read by the Secretary to the body instead of being offered in that fashion."

There being no objection, the amendment by Senator Buffington to the committee amendment was withdrawn.

On motion of Senator Guess, the following amendment to the committee amendment was adopted:

Amend the committee amendment to page 1 as follows: On line 14 of new section 2, after "agencies" and before "affected" insert ", including but not limited to the chief executive officer of the department of highways, the port of Seattle, the department of commerce and economic development, the municipality of metropolitan Seattle, and the mayor of the city of Seattle, or their designees,"

Senator Herr moved adoption of the following amendment to the committee amendment:

Amend the committee amendment to page 1 as follows: On line 11 of new section 2, before the period insert ", and a careful review and evaluation of the economic performance of the Vashon-Fauntleroy ferry route"

POINT OF INQUIRY

Senator von Reichbauer: "Would Senator Herr answer a question? Senator Herr, I see it applies to the Vashon Ferry route. Was there any particular reason why you used that particular route?"

Senator Herr: "Yes, there is. My district adjoins the Vashon Ferry route. I am very familiar with the ferry service between Vashon Island and Fauntleroy, and personally I think there has been too much service over to this area where we possibly could save a little money, and I have come down here hoping to save the people of the state of Washington a little money so this is just something that we have to look at, Senator von Reichbauer, and I know that you too are worried about the taxpayers and the money that we expend for service and I am sure that you can agree that we should examine this route."

Senator von Reichbauer: "I think this route and others should be examined as well."

POINT OF INQUIRY

Senator von Reichbauer: "Senator Walgren, would you answer a question please? Senator Walgren, do you think there is any particular need to examine just the Vashon route?"

Senator Walgren: "Senator von Reichbauer, there is of course an ongoing examination of the entire ferry system. The Vashon area, of course, has ferries coming from three different areas, one from the south part of Kitsap County, of course, one coming from the Tacoma area, and one coming from the West Seattle area. As I read this amendment, and I must say it was written very, very well, apparently there is a desire

that the two committees on transportation look into the fact that we have three routes going to Vashon Island. I know that Representative Perry in the House and certainly myself are very cognizant of the importance of ferry transportation to the various areas of the state of Washington, and I can only say in response to you and to Senator Herr that this particular study, if it is passed by the body here will certainly receive very, very close scrutiny certainly by the Senate committee."

POINT OF ORDER

Senator Morrison: "Mr. President, I would ask that the President rule on this particular amendment as enlarging the scope and object of the bill."

RULING BY THE PRESIDENT

The President: "The President believes that the remarks as expressed by Senator Morrison are well taken and that the proposed amendment does indeed increase the scope and object of the measure."

The amendment by Senator Herr to the committee amendment was ruled out of order.

Debate ensued.

The motion by Senator Walgren carried and the committee amendment, as amended, was adopted.

On motion of Senator Walgren, the committee amendment to the title was adopted.

On motion of Senator Walgren, the rules were suspended, Engrossed House Bill No. 587, 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. 587, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; nays, 3; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Fleming, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Woody—42.

Voting nay: Senators Morrison, Scott, Walgren—3.

Excused: Senators Day, Donohue, Francis, Murray—4.

ENGROSSED HOUSE BILL NO. 587, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Senate Bill No. 2908.

SECOND READING

SENATE BILL NO. 2908, by Senator Washington:

Authorizing state and local governments to provide for intermodal transportation centers.

MOTIONS

On motion of Senator Washington, Substitute Senate Bill No. 2908 was substituted for Senate Bill No. 2908, and the substitute bill was placed on second reading and read the second time in full.

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

On page 1, line 11, after "city" strike the comma, insert "or" and after "town," strike the balance of line 11 and all of line 12.

On page 1, beginning on line 18, after "city" strike the matter through "corporation" on line 19 and insert "or town"

On page 1, beginning on line 21, after "city" strike the matter through "corporation" on line 21 and insert "or town"

On page 2, line 3, after "city" strike all the matter through "corporation" and insert "or town"

On motion of Senator Woody, the following amendments by Senators Woody, Lewis (R. H. "Bob"), Henry and Guess were adopted:

On page 2, section 6, line 23 after "Sec. 6." strike remainder of the act and insert "Sections 1 through 5 of this 1975 act shall constitute a new chapter in Title 81 RCW."

On page 2, following section 6 add the following:

"**NEW SECTION.** Sec. 7. There is added to chapter 28A.58 a new section to read as follows:

Notwithstanding the provisions of RCW 28A.58.130 the directors of any school district may enter into a contract to provide transportation for the children of the district, the term of which shall not exceed five years."

On page 2, following new section 7 add the following:

"**NEW SECTION.** Sec. 8. Section 7 of 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 Washington, the following amendment by Senators Woody, Lewis (R. H. "Bob"), Henry and Guess to the title was adopted:

On line 3 of the title strike "and" and before the period insert "adding a new section to Title 28A.58; and declaring an emergency"

On motion of Senator Washington, the rules were suspended, Engrossed Substitute Senate Bill No. 2908 was advanced to third reading, the second 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. 2908, and the bill passed the Senate by the following vote: Yeas, 40; nays, 1; absent or not voting, 5; excused, 3.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Donohue, Fleming, Goltz, Gould, Guess, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Odegard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—40.

Voting nay: Senator Newschwander—1.

Absent or not voting: Senators Bottiger, Grant, Jones, Matson, North—5.

Excused: Senators Day, Francis, Murray—3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2908, having received the 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. 2453,

SENATE BILL NO. 2741.

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 2619,

SUBSTITUTE SENATE BILL NO. 2713.

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE HOUSE BILL NO. 86,
HOUSE BILL NO. 295,
HOUSE BILL NO. 806.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Senate Bill No. 2410.

SECOND READING

SENATE BILL NO. 2410, by Senators Sellar and Lewis (R. H. "Bob") (by Executive request):

Consolidating the administration of the various state retirement systems into a single department.

REPORT OF STANDING COMMITTEE

April 28, 1975.

SENATE BILL NO. 2410, consolidating the administration of the various state retirement systems into a single department (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendments:

On page 3, line 1, strike subsection (2) and renumber the remaining subsections accordingly.

On page 3, line 10, after "governor," and before "to" insert "ways and means committees of the house and senate,

On page 3, line 21, after "department" and before the period, insert "pursuant to the provisions of RCW 34.04"

On page 4, line 17, after "shall" strike "supervise" and insert: "provide for"

On page 4, line 23, after "fund" and before the period, insert: "through the state finance committee which shall invest and reinvest funds of the systems as provided in RCW 43.84.150"

On page 6, line 14, strike all of section 14 and renumber the following sections accordingly.

On page 8, strike all of section 22, being renumbered section 21, and substitute the following:

"*NEW SECTION.* Sec. 21. Section 3 of the 1975 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately. Sections 1, 2, and 4 through 21 shall take effect October 1, 1975."

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Clarke, Jones, Mardesich, Marsh, Matson, Newschwander, Scott, Woody.

The bill was read the second time by sections.

On motion of Senator Marsh, the committee amendments to page 3, lines 1, 10 and 21 and the committee amendment to page 4, line 17 were adopted.

Senator Marsh moved adoption of the committee amendment to page 4, line 23.

MOTION

Senator Talley moved that Senate Bill No. 2410, together with the pending committee amendments, be made a special order of business for Thursday, May 22, 1975 at 4:10 p.m.

Debate ensued.

Senator Rasmussen demanded a roll call and the demand was sustained by Senators Ridder, Grant, Bailey, McDermott, Knoblauch, Talley, Fleming, Goltz and Bot-tiger.

The President declared the question before the Senate to be the motion by Senator

Talley that Senate Bill No. 2410, together with the pending committee amendments, be made a special order of business for Thursday, May 22, 1975 at 4:10 p.m.

ROLL CALL

The Secretary called the roll and the motion by Senator Talley failed by the following vote: Yeas, 16; nays, 27; absent or not voting, 3; excused, 3.

Voting yea: Senators Bailey, Bottiger, Fleming, Grant, Herr, Keefe, Knoblauch, Lewis (Harry), McDermott, Peterson, Pullen, Rasmussen, Ridder, Sellar, Talley, Washington—16.

Voting nay: Senators Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Donohue, Goltz, Gould, Guess, Jolly, Jones, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, North, Sandison, Scott, Stortini, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Wilson, Woody—27.

Absent or not voting: Senators Henry, Newschwander, Odegaard—3.

Excused: Senators Day, Francis, Murray—3.

The motion by Senator Marsh carried and the committee amendment to page 4, line 23 was adopted.

Senator Marsh moved adoption of the committee amendment to page 6, line 14.

Debate ensued.

POINT OF INQUIRY

Senator Talley: "Will Senator Marsh yield? Senator, I have had a question in my mind for quite a few weeks now and you have kind of brought it to the fore again. You talked about the pension system coming out of accounting funds and so forth and not making unfunded liability."

Senator Marsh: "That is right."

Senator Talley: "I have always wondered whether the Senate had the right to send out to all the public employees the views of part of the Senate on this pension bill."

Senator Marsh: "I am not aware of any partisan mailing by Senators."

Senator Talley: "I did not call them partisan mailings, Senator."

Senator Marsh: "You can put every label you want on it. I am not aware of any partisan mailing. When I am using the word 'partisan' I am thinking about Republican versus Democrat and I would just say that I do not think pension reform is a Democrat or a Republican issue. It is an issue for all of us to be concerned about."

Senator Talley: "Senator, you are twisting my question. You are a fine attorney and I believe you can do that. All I asked was, did the Senate have the right, part of the Senate, to mail to all public employees their view on the pension bill?"

Senator Marsh: "Again, I think every legislator has the right to send out information. Information about the pension systems, and again, I am not aware of any so-called partisan mailing. Now if you have knowledge of it, I think you ought to spell it out."

Senator Talley: "I do not understand your word 'partisan' at all. I did not bring that into question. There was a mailing made by the Senate explaining the Senate bill, and I do not think the Senate had that much right to use the Senate money to make that mailing. That is all I am questioning."

POINT OF INQUIRY

Senator Grant: "Would Senator Woody yield? Senator Woody, if you strike the section as has been proposed, then could it be interpreted that any citizen or member of the legislature or commercial firm could ask for and receive a copy of the names and addresses of all members of the retirement system?"

Senator Woody: "The answer to your question is no."

Senator Grant: "Why not?"

Senator Woody: "There is another statute that prohibits any agency, that is Department of Motor Vehicles, General Administration, any agency, to sell or make use of their lists of names for commercial purposes."

Senator Grant: "And political? I do not think it has any reference to political."

Senator Woody: "I cannot answer yes or no to that."

Senator Grant: "I do not think it has any reference to political . . . the other statute relating to use of lists for commercial purposes and that does concern me."

Senator Woody: "To answer your question"

Senator Grant: "I think you have answered my question."

Senator Woody: "No, I have not. You asked about political purposes and now you are bringing it back to memory because I think you debated that on the floor last year, I believe it was, and you raised the issue, could a political party go to the Department of Motor Vehicles and ask for the list of names and then go down through the licensed persons, automobiles, nurses, brokers, all those things, could a political party go to them and say, 'We will pay for the lists all right, what the actual costs are, but we demand it.' and I think your answer at that point, and I think the statute said that no, a political party could not do that under the statute."

Senator Grant: "My recollection is not as good as yours and I really do not know the answer and I am not so sure that you have given me an answer that is definite. I am concerned and I do think that by striking this particular section, perhaps there is a better way to go and a middle ground that we could achieve without just in effect, and I think you are in effect saying that anybody can go get those lists for any political purposes. I am afraid that is what you are doing, perhaps not for commercial purposes and I would certainly object to that. I would certainly object to that, but even for political purposes, and I did object to the mailing that was referred to earlier by Senator Talley by a group of members of the Senate, apparently, at Senate expense. I am just wondering whether or not that same privilege would be extended to each and every member of the Senate to express their point of view regarding a piece of legislation affecting retired employees in this state. I rather doubt it. It would be very costly. At the same time, I think there perhaps is a tightening that can be done and a means by which we can have available to the Senate, or the legislature, a way of determining who is on the pension system, but to just strike this section seems to me wrong at this time and I would suggest that we rework that section. If you want to have information available to the legislature regarding retirees, then let us specify that, but not just strike the section."

Senator Woody: "In partial response, none of us of course have a card file mind and can pick up statutes without looking at them, but in the last election you asked whether the statute would prohibit political parties from using these lists. In the last election, I know on our side of the aisle and I suspect by some of the activity on the other side of the aisle, we left no stone unturned, did we? We had an honest free-for-all. We put all the cards out there for the voters to see and they picked the person they thought was best. We left no stone unturned and I do not recall, I know on our side and I am sure from what I saw on your side, there was no political party use of any of the General Administration lists, the Department of Motor Vehicle lists, or any other lists of names that are prepared and maintained by the state of Washington. With that in mind, I really think that the statute does prohibit even political party use of those lists."

Further debate ensued.

On motion of Senator Marsh, the committee amendment to page 6, line 14 was not adopted.

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

On page 6, line 18, after "department" insert "and legislative committees"

On page 6, line 19, after "systems" insert "or the study of the retirement systems"

Debate ensued.

The motion by Senator Mardesich carried and the amendments were adopted.

Senator Marsh moved adoption of the committee amendment to page 8.

POINT OF INQUIRY

Senator Talley: "Would Senator Marsh yield? With this emergency clause you have taken away the peoples' right of referendum, right?"

Senator Marsh: "Yes."

Further debate ensued.

The motion by Senator Marsh carried and the committee amendment to page 8 was adopted.

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

On page 2, line 23, strike all of subsection (4). Renumber remaining subsections consecutively.

On page 3, line 31, before "the" insert "and" and after "retirement system" insert a period and strike the remainder of the section.

On page 4, line 20, after "system" strike ", the state board for volunteer firemen"

On page 5, line 1, after "2.10.070" strike "41.24.100, 41.24.190"

Senator Marsh moved adoption of the following amendment by Senator Day:

On page 4, line 23, after "fund" and before the period insert ": PROVIDED, That all accrued funds in the retirement systems shall be used or invested only for the benefit of the participants thereof"

POINT OF INQUIRY

Senator Grant: "Would Senator Marsh yield? Senator Marsh, I do not seem to have a copy of that, but as I listened to it, it occurred to me that that would prohibit the use of any of the retirement funds for payment of administration of the retirement system. Is that the intent? Is that for their benefit? It seems to me that the language is quite tight and I would think that you would not want to pay for the administration of the retirement system out of general fund money. You have enough trouble there already."

Senator Marsh: "The amendment reads that all accrued funds. I take that to mean earnings, in the retirement system shall be used or invested only for the benefit of the participants thereof. I would interpret that to allow the use of accrued earnings or accrued funds for anything that benefits the participants. I would take the position that effective administration benefits the participants of the system and therefore accrued funds, accrued earnings, could be used to support the administration of the fund. I think what the intent of this particular amendment is, is to prevent the savings that will result from the passage of this legislation from being used for non-retirement purposes, general fund purposes, perhaps education or to help build highways or some other non-retirement related purpose. That is my understanding of the amendment and I do not think the amendment prohibits the use of accrued funds or earnings for retirement administration."

Senator Grant: "I am relieved somewhat that you are not suggesting that the administration of the pension system, the cost be borne by the general fund. That relieves my concern. However, with that I really do not know what the amendment does. You talked about education and other items that they might use these funds for. I do not think they are permitted to do that now and I am not sure that the amendment accomplishes anything."

PARLIAMENTARY INQUIRY

Senator Talley: "Would Senator Mardesich yield to a question? I think this bill is of a magnitude that all Senators should vote on it, should be recorded on their vote. Would it be possible to set this thing over until 11:10 tomorrow?"

Senator Mardesich: "Mr. President, I think that I could almost anticipate that Senator Murray, were he here, would vote against it, although I am not certain of that. He will not be here tomorrow, in any event."

Senator Talley: "Senator Mardesich, I do not care how a man votes. That is his privilege, but I think they should be recorded as how they voted."

Senator Mardesich: "If you would call for a Call of the Senate, I have no objection to it."

MOTION

Senator Talley moved that Senate Bill No. 2410, as amended, together with the pending amendment by Senator Day, be made a special order of business for Thursday, May 22, 1975 at 11:10 a.m.

Debate ensued.

The motion by Senator Talley failed.

The President declared the question before the Senate to be the vote on adoption of the amendment by Senator Day.

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

On motion of Senator Marsh, the rules were suspended, Engrossed Senate Bill No. 2410 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Goltz: "Would Senator Marsh yield to a question? After the Day amendment was put down and after you began making your explanation, I heard you say that the savings that would be derived from this consolidation of management could be used for other than the purposes of the retirement system. Is that a correct statement?"

Senator Marsh: "No, I did not say that. I said that I think the Day amendment was addressed to that possibility, and to foreclosing that possibility. I do not think there would be a legal purpose. I do not think that since the various retirement systems right now and their boards are financed by the contributions and the earnings on contributions. I do not think there is going to be a general fund saving, but there is going to be a saving to the retirement systems, and so in my opinion there is no way that that could be used for other purposes such as education. I kind of agreed with the floor discussion that the Day amendment was probably superfluous but I offered in his behalf because he expressed the concern and it addressed itself, as he thought, to that particular concern. I do not think the Day amendment would have hurt anything. I am not sure that it added anything, either."

Senator Goltz: "I was not speaking so much to the Day amendment, Senator Marsh, as I was to your subsequent remarks in explaining the bill where I believe you did say that the savings could be used for these other purposes. I guess the second question I would like to ask, if I may, is, are there now general fund appropriations which go into the management costs of these systems or do these systems management costs come from the employee-employer contributions?"

Senator Marsh: "My understanding is that the retirement administration is funded from the employee contribution-employer contributions and the earnings are for those contributions. However, the state is always responsible for any deficit, any unfunded liability that accrues if those contributions are inadequate, and so in that sense there is ultimately going to be a saving to the general fund because ultimately we are going to have to pick up that unfunded liability from either employee contributions or the general fund and I suspect a large part of it is going to come from the general fund and we will just have less to make up if we have a more efficient administration."

Senator Goltz: "Thank you, Senator Marsh."

Further debate ensued.

POINT OF INQUIRY

Senator Ridder: "Senator Marsh, I will have a question for you if you will yield. Reading from page 4 and pursuing what Senator Grant has mentioned, line 6, 'The officers and personnel appointed by the director pursuant to this section shall be paid salaries fixed by the Governor in accordance with the procedure established by law for fixing salaries for officers exempt from the operation of the state civil service law,' and I would interpret that to mean that these would fall in the line of between thirty-five thousand and forty-four thousand under our recent salary increase for state employees. Following that up, line 11, 'All employees and personnel classified under Chapter 41.06 RCW and engaged in duties pertaining to the functions transferred by this chapter shall be assigned to the department to perform their usual duties upon the same terms as formerly without any loss of rights subject to any action that may be appropriate thereafter in accordance with the laws and rules governing the state merit system.' I am kind of curious about that three hundred thousand dollars that you mentioned as a saving and I wonder if you could explain that to me?"

Senator Marsh: "Yes. Senator Ridder, with regard to the fiscal note and the savings that are entailed, OPP and FM prepared a fiscal note dated February 26, 1975, in which they detailed the savings, and basically what they did, they took page 210 out of the Governor's budget book, his proposed executive budget, and his detail on that page. Now the savings perhaps is difficult to detail, but it states on this particular page, 'Executive request legislation will be proposed to establish a new department of retirement systems. This department will consolidate the administrative programs of seven state administrated retirement systems currently administered by five separate agencies. It is proposed that each retirement system continue to be represented by its respective board of trustees but that all financial management services, administration and support staff and expenditures be consolidated under a single administrative structure. Such a structure would consist of a single director, two assistant directors, one responsible for the three public employee retirement systems, one responsible for the three law enforcement retirement systems. In total an estimated seven existing administrative and supervisory positions could be reduced through the proposed consolidation and reorganization. If legislation is passed to consolidate the administration of these six retirement systems, a single appropriation of four million two hundred forty-nine thousand three hundred and eighty four dollars for the department of retirement systems would result in an estimated reduction of three hundred one thousand fifty dollars and seven positions, that is fourteen FTE staff years from the combined total of four million five hundred fifty thousand four hundred and thirty-four dollars requested individually for the administration of the seven separate retirement systems.' I have the figures proposed for the 1975-1976 year and 1976-1977 year, if you want to go through each of those, but when they get all done they have a bottom line which says 'less seven administrative and supervisory positions' and that results in the savings."

Senator Ridder: "Okay. I appreciate that explanation, but could you tell me from these lines 6 to 16, Senator Marsh, in the bill where that possibility exists? I do not see from this where the reduction in positions comes in at all."

Senator Marsh: "I just read from the Governor's fiscal note. We are going to be eliminating seven supervisory positions or fourteen staff years."

Senator Ridder: "But not in these departments? Not under this bill, surely? It is not permitted unless you are going to retire these people and put them in the retirement category."

Senator Bottiger: "Senator Ridder, the language you are reading is standard draft language that Senator Lewis and Representative Wolfe and I worked out in conjunction with employee organizations whenever there is a consolidation. It is still permissible for transfers, what are called lateral transfers between departments. That language has to be read in light of the civil service rules. If you go a little bit further down you will find a reference to the state civil service act and it talks about lateral transfers. It means that a position coming up in another department within that qualification or classification, this employee would have first preferential preference to it."

Senator Ridder: "But to me you are still saying there is not going to be a diminution of the number of employees. You are keeping these on until there is a possibility of lateral."

Senator Bottiger: "It speaks of their rights and it talks about lateral movement within the civil service, the entire civil service system, and it says that you wait for attrition and you wait for these transfers. That is in reference to Senator Marsh's comment about over seven man years they would be down to that figure."

Senator Ridder: "My reaction would be that we are going to wait a long time for that three hundred thousand."

Senator Bottiger: "Senator Ridder, I think the lobbyists alone would take care of that."

Further debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No.

2410, and the bill failed to pass the Senate by the following vote: Yeas, 18; nays, 27; absent or not voting, 1; excused, 3.

Voting yea: Senators Benitz, Bluechel, Buffington, Clarke, Donohue, Gould, Guess, Jolly, Jones, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, North, Odegaard, Scott, Sellar—18.

Voting nay: Senators Bailey, Beck, Bottiger, Cunningham, Fleming, Goltz, Grant, Henry, Keefe, Knoblauch, Lewis (Harry), McDermott, Newschwander, Peterson, Pullen, Rasmussen, Ridder, Sandison, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—27.

Absent or not voting: Senator Herr—1.

Excused: Senators Day, Francis, Murray—3.

ENGROSSED SENATE BILL NO. 2410, having failed to receive the constitutional majority, was declared lost.

NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Woody served notice that he would, on the next working day, move for reconsideration of the vote by which Engrossed Senate Bill No. 2410 failed to pass the Senate.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Talley moved that the Senate immediately reconsider the vote by which Engrossed Senate Bill No. 2410 failed to pass the Senate.

REPLY BY THE PRESIDENT

The President: "Senator Talley and Senator Woody, the President calls your attention to Senate Rule 31 which notes that a motion of reconsideration shall be in order only on the same day after the fiftieth day."

MOTION

Senator Mardesich moved the Senate adjourn until 11:00 a.m. Thursday, May 22, 1975.

The motion by Senator Mardesich carried on a rising vote.

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

REPORTS OF STANDING COMMITTEE

May 21, 1975.

ENGROSSED HOUSE BILL NO. 623, permitting departmental post-audits at reasonable intervals (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Buffington, Cunningham, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules for second reading.

May 21, 1975.

ENGROSSED HOUSE BILL NO. 1026, allowing preference in public employment for spouses of honorably discharged totally disabled veterans (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Buffington, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules for second reading.

At 5:30 p.m., the Senate adjourned until 11:00 a.m., Thursday, May 22, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

SEVENTIETH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, May 22, 1975.

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

The Color Guard, consisting of Pages Patrick Kennedy and Libby Brown, presented the Colors. Father William Treacy, pastor of St. Michael's Church of Olympia, offered the following prayer:

"IT'S HARD TO BE HONEST . . . GOD, IT'S HARD TO BE HONEST TO ADMIT MY TRUE MOTIVES. AND IT'S SO EASY TO USE 'WHITE LIES'. SO EASY TO SAY I'M BEING HONEST WHEN I'M ONLY BEING TACTLESS. THAT DOESN'T PREVENT ME FROM SUSPECTING THE MOTIVES OF OTHERS. TEACH ME TO FACE THE DISCOMFORT OF KNOWING MYSELF AND TO GIVE OTHERS THE BENEFIT OF THE DOUBT. HELP ME TO SEEK TO DO YOUR WILL WHICH I RECOGNIZE MORE THAN I CARE TO ADMIT. MAKE ME HONEST ENOUGH TO TREAT THE INADEQUACIES OF OTHER PEOPLE AS I WOULD WANT THEM — AND YOU — TO DEAL WITH MINE. AMEN."

MOTION

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

MESSAGES FROM THE GOVERNOR

Office of the Governor, May 21, 1975.

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

LADIES AND GENTLEMEN:

I have the honor to advise that on May 21, 1975, Governor Evans approved the following Senate Bills, entitled:

SUBSTITUTE SENATE BILL NO. 2110: Enacting the model traffic ordinance.

SENATE BILL NO. 2131: Permitting cemetery authorities to make deposits in federal credit unions and federal savings and loan associations.

SENATE BILL NO. 2143: Relating to contracts of first class cities.

Sincerely,
CHI-DOOH LI
Legal Counsel

Office of the Governor, May 21, 1975.

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

LADIES AND GENTLEMEN:

On this date I have approved SECOND SUBSTITUTE SENATE BILL NO. 2235 entitled: "An Act relating to public utility districts."

This bill authorizes a public utility district to acquire, construct, operate, and

maintain sewage systems after approval by a majority vote of voters residing in the district.

The bill is apparently necessary to aid a unique situation existing in Chelan County where the public utility district is the only public entity with the capability of providing needed sewer service to an expanding industrial development site. I question the wisdom, however, of a general grant of authority to all public utility districts regardless of whether there are other units of government presently providing or able to provide sewer service.

In 1967, the Legislature granted to counties the authority to provide sewer service. One of the main considerations at that time was the need to prevent needless proliferation of special purpose districts where county governments were able to provide a needed service. This bill represents a step backwards and I would not have approved it had there not been an urgent need in Chelan County. I strongly urge county governments to assume, wherever possible, the responsibility of providing essential services for its citizens instead of relying for such services on special purpose districts.

It is further inconsistent that the authority granted a public utility districts in the bill is not subject to the conditions and restrictions as is the authority of counties, cities, sewer and water districts providing sewer service. I believe the Legislature should determine whether this inconsistency is justified, and if not so justified, the Legislature should take necessary action to correct the situation.

Respectfully submitted,
DANIEL J. EVANS
Governor

MESSAGE FROM THE HOUSE

May 21, 1975

Mr. President: The House has passed:
SUBSTITUTE SENATE BILL NO. 2086,
ENGROSSED SENATE BILL NO. 2453,
SENATE BILL NO. 2741, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE SENATE BILL NO. 2086,
SENATE BILL NO. 2453,
SENATE BILL NO. 2741.

MESSAGES FROM THE HOUSE

May 21, 1975.

Mr. President: The House has passed:
SUBSTITUTE HOUSE BILL NO. 200,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 880, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

May 21, 1975.

Mr. President: The House has passed: ENGROSSED HOUSE BILL NO. 405, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

May 21, 1975.

Mr. President: The House has concurred in the Senate amendment to EN-GROSSED HOUSE BILL NO. 15 and has passed the bill as amended by the Senate.
DEAN R. FOSTER, Chief Clerk.

May 21, 1975.

Mr. President: The House has concurred in the Senate amendments to EN-GROSSED HOUSE BILL NO. 42 and has passed the bill as amended by the Senate.
DEAN R. FOSTER, Chief Clerk.

May 21, 1975.

Mr. President: The House has concurred in the Senate amendment to HOUSE BILL NO. 189 and has passed the bill as amended by the Senate.
DEAN R. FOSTER, Chief Clerk.

May 21, 1975.

Mr. President: The House has concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 239 and has passed the bill as amended by the Senate.
DEAN R. FOSTER, Chief Clerk.

May 21, 1975.

Mr. President: The House has concurred in the Senate amendments to EN-GROSSED HOUSE BILL NO. 305 and has passed the bill as amended by the Senate.
DEAN R. FOSTER, Chief Clerk.

May 21, 1975.

Mr. President: The House has concurred in the Senate amendments to EN-GROSSED HOUSE BILL NO. 422 and has passed the bill as amended by the Senate.
DEAN R. FOSTER, Chief Clerk.

May 21, 1975.

Mr. President: The House has concurred in the Senate amendment to EN-GROSSED HOUSE BILL NO. 388 and has passed the bill as amended by the Senate.
DEAN R. FOSTER, Chief Clerk.

May 21, 1975.

Mr. President: The House has concurred in the Senate amendment to EN-GROSSED HOUSE BILL NO. 475 and has passed the bill as amended by the Senate.
DEAN R. FOSTER, Chief Clerk.

May 21, 1975.

Mr. President: The House has concurred in the Senate amendment to HOUSE BILL NO. 480 and has passed the bill as amended by the Senate.
DEAN R. FOSTER, Chief Clerk.

May 21, 1975.

Mr. President: The House has concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 484 and has passed the bill as amended by the Senate.
DEAN R. FOSTER, Chief Clerk.

May 21, 1975.

Mr. President: The House has concurred in the Senate amendments to EN-GROSSED SUBSTITUTE HOUSE BILL NO. 527 and has passed the bill as amended by the Senate.
DEAN R. FOSTER, Chief Clerk.

May 21, 1975.

Mr. President: The Speaker has signed: HOUSE BILL NO. 468, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

May 21, 1975.

Mr. President: The Speaker has signed:

SENATE BILL NO. 2071,

SENATE BILL NO. 2253,

SENATE BILL NO. 2271,

SENATE BILL NO. 2278,

SENATE BILL NO. 2385,

SENATE BILL NO. 2466,

SENATE BILL NO. 2608,

SUBSTITUTE SENATE BILL NO. 2692, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

May 21, 1975.

Mr. President: The Speaker has signed:

SENATE BILL NO. 2117,

SENATE BILL NO. 2328,

SENATE BILL NO. 2393,

SUBSTITUTE SENATE BILL NO. 2517,

SUBSTITUTE SENATE BILL NO. 2616,

SENATE BILL NO. 2636,

SUBSTITUTE SENATE BILL NO. 2855,

SENATE BILL NO. 2960, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

May 22, 1975.

Mr. President: The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 2086,

SENATE BILL NO. 2453,

SENATE BILL NO. 2619,

SUBSTITUTE SENATE BILL NO. 2713,

SENATE BILL NO. 2741, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

May 22, 1975.

Mr. President: The Speaker has signed:

HOUSE BILL NO. 305,

HOUSE BILL NO. 388,

HOUSE BILL NO. 422,

HOUSE BILL NO. 475,

HOUSE BILL NO. 480,

SUBSTITUTE HOUSE BILL NO. 484, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

May 22, 1975.

Mr. President: The Speaker has signed:

HOUSE BILL NO. 15,

HOUSE BILL NO. 42,

HOUSE BILL NO. 189,

SUBSTITUTE HOUSE BILL NO. 239,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 527, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

May 21, 1975.

Mr. President: The House has adopted the report of the conference committee on ENGROSSED HOUSE BILL NO. 172, and has granted said committee the powers of Free Conference.

DEAN R. FOSTER, Chief Clerk.

APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the office of the Lieutenant Governor, of the Honorable Victor Meyers, former Secretary of State and Lieutenant Governor. The President appointed Senators Ridder, Gould, North and Buffington to escort the honored guest to the Senate rostrum.

With permission of the Senate, business was suspended to permit the Honorable Victor Meyers to address the Senate.

The committee of honor escorted the guest from the Senate Chamber and the committee was discharged.

MESSAGE FROM THE HOUSE

May 21, 1975.

Mr. President: The House has adopted the report of the Conference Committee on HOUSE BILL NO. 171, and has granted said committee the powers of Free Conference.

DEAN R. FOSTER, Chief Clerk.

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

REPORT OF FREE CONFERENCE COMMITTEE

May 15, 1975

Mr. Speaker:

Mr. President:

We of your Free Conference Committee, to whom was referred ENGROSSED HOUSE BILL NO. 172, standardizing the marking of public vehicles, have had the same under consideration, and we recommend that the bill do pass with the Senate Committee amendments including the following amendment to page 4, line 21 of the committee amendment:

On page 4, line 21 of the committee amendment strike "Any elected state official" and insert "Any state official elected on a state-wide basis"

Signed by: Senators Rasmussen, Wanamaker and Woody; Representatives Sommers, Nelson and Chatalas.

MOTION

On motion of Senator Rasmussen, the report of the Free Conference Committee on Engrossed House Bill No. 172 was adopted.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 172, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 2.

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

Cunningham, Day, Donohue, Francis, Goltz, Gould, Grant, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—46.

Absent or not voting: Senator Fleming—1.

Excused: Senators Guess, Murray—2.

ENGROSSED HOUSE BILL NO. 172, 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 14, 1975.

Mr. Speaker:

Mr. President:

We of your Free Conference Committee, to whom was referred HOUSE BILL NO. 171, prescribing motor vehicle gross weight limits, have had the same under consideration, and we recommend that the bill be amended as follows:

On page 2, line 27, after "limitations" and before the period insert "*and it is not reasonable for economic or operational considerations to transport such excess weights by rail or water for any substantial distance of the total mileage applied for*"

Signed by: Senators Henry, Guess and Beck; Representatives Hansen, Douthwaite and Patterson.

MOTION

On motion of Senator Beck, the report of the Free Conference Committee on House Bill No. 171 was adopted.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 171, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

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

Excused: Senators Guess, Murray—2.

HOUSE BILL NO. 171, 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 Sandison, the House Message on Engrossed Senate Bill No. 2146 was ordered held at the end of the concurrence calendar for today.

MESSAGE FROM THE HOUSE

May 19, 1975.

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 2395 with the following amendments:

On page 1, beginning on line 8, after "paid" strike all material through "reporters;"

on line 22 of the engrossed bill, being the last line of the Senate amendment, and insert "[compensation as follows:

(1) In judicial districts comprised of class AA counties, such salary as shall be fixed by the judges of said counties and approved by the board of county commissioners of said class AA counties;

(2) In judicial districts having a total population of forty thousand or more, excluding class AA counties, fourteen thousand dollars per annum;

(3) In judicial districts having a total population of twenty-five thousand and under forty thousand, eight thousand four hundred dollars per annum;] *such compensation as shall be fixed, after recommendation by the judges of the judicial district involved, by the legislative authority of the county comprising said judicial district, or by the legislative authorities acting jointly where the judicial district is comprised of more than one county: PROVIDED, That in judicial districts having a total population of forty thousand or more, the salary of an official court reporter shall not be less than sixteen thousand five hundred dollars per annum: PROVIDED FURTHER, That in judicial districts having a total population of twenty-five thousand and under forty thousand, such salary shall not be less than eleven thousand one hundred dollars per annum."*

On page 1, line 26 of the engrossed bill, being the second line of the Senate amendment to line 22, after "judges]" insert "council or", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Woody, the Senate concurred in the House amendments to Engrossed Senate Bill No. 2395.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2395, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 39; nays, 5; absent or not voting, 3; excused, 2.

Voting yea: Senators Bailey, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, North, Odegaard, Peterson, Pullen, Ridder, Sandison, Scott, Stortini, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Woody—39.

Voting nay: Senators Beck, Lewis (Harry), Newschwander, Rasmussen, Wilson—5.

Absent or not voting: Senators Keefe, Sellar, von Reichbauer—3.

Excused: Senators Guess, Murray—2.

ENGROSSED SENATE BILL NO. 2395, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

The President signed: HOUSE BILL NO. 15,
HOUSE BILL NO. 42,
HOUSE BILL NO. 189,
SUBSTITUTE HOUSE BILL NO. 239,
HOUSE BILL NO. 305,
HOUSE BILL NO. 388,
HOUSE BILL NO. 422,
HOUSE BILL NO. 468,
HOUSE BILL NO. 475,
HOUSE BILL NO. 480,
SUBSTITUTE HOUSE BILL NO. 484,
SUBSTITUTE HOUSE BILL NO. 527.

There being no objection, Senator von Reichbauer was excused.

MESSAGE FROM THE HOUSE

May 19, 1975.

Mr. President:

The House has passed Engrossed Senate Bill No. 2416 with the following amendments:

On page 1, section 1, line 21, after "state" insert ","

On page 1, following line 23, insert a new subsection as follows: "(d) Any agency of the United States government."

On page 2, line 10, after "trust]" insert ": PROVIDED, That any agency of the United States government may be both trustee and beneficiary under the same deed of trust"

On page 4, section 4, line 30, after "section" and before "of", strike "4(1)(g)" and insert "4(1)(f)"

On page 4, section 4, line 33, after "section" and before "of" strike "4(1)(g)" and insert "4(1)(f)"

On page 5, section 4, on lines 6, 14, and 19, after "section" and before "of" strike "4(1)(g)" and insert "4(1)(f)"

On page 5, section 4, beginning on line 23, strike all of the material in subsection (f)

Renumber the remaining subsection accordingly.

On page 10, section 4, on line 15 after "(2)" strike everything down to and including "(3)" on line 19 and insert "In addition to providing the grantor or his successor in interest in the manner provided in section 4(1)(f) of this 1975 amendatory act the notice as provided in section 4(1)(f) of this 1975 amendatory act, the beneficiary shall include with the notice provided in section 4(1)(f) of this 1975 amendatory act a statement to the grantor or his successor in interest in substantially the following form;

NOTICE OF FORECLOSURE

Pursuant to the Revised Code of Washington,
Chapter 61.24, et seq.

The attached Notice of Sale is a consequence of your default in your obligation to _____ the beneficiary of your Deed of Trust and holder of your Note. Unless you cure the default, your property will be sold at auction on the _____ day of _____, 19____.

To cure your default, you must bring your payments current and pay accrued late charges and other costs and attorneys fees as set forth below by the _____ day of _____, 19____ (10 days before sale date). To date, these arrears and costs are as follows:

Currently due to reinstate	Amount that will be due to reinstate in	
	40 days	80 days
.....
[date]	[date]	[date]
.....

Delinquent payments from the
1st day of _____

_____, 19____, in the

amount of:

\$..... \$..... \$.....

Late charge for every delinquent
dollar owed

In the amount of:

\$..... \$..... \$.....

Attorneys fees in

the amount of:

\$..... \$..... \$.....

Trustee's expenses
in the amount of:
[Itemization]

	Estimated Costs	Estimated Costs
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
TOTALS

You may reinstate your Note and Deed of Trust at any time up to the ____ day of _____, 19____ (10 days before the sale date) by paying the amount as set forth above. Of course, each month that passes brings another monthly payment due, and such monthly payment and any late charge must be added to your reinstating payment. AFTER THE ____ DAY OF _____ 19____ (THE 80TH DAY), YOU MAY NOT REINSTATE YOUR DEED OF TRUST BY PAYING THE BACK PAYMENTS AND COSTS AND FEES AS OUTLINED ABOVE. In such case, you will only be able to stop the sale by paying the total principal balance (\$_____) plus accrued interest, costs and advances, if any, made pursuant to the terms of the documents.

You may contest this default by initiating court action in the Superior Court of ____ County. In such action, you may raise any legitimate defenses you have to this default. You may also contest this sale in court by initiating court action. A copy of your Note and Deed of Trust are enclosed. You may wish to consult a lawyer. Legal action on your part may prevent or restrain the sale, but only if you persuade the court of the merits of your defense.

If you do not reinstate your Note and Deed of Trust by paying the amount demanded here, or if you do not succeed in restraining the sale by court action, your property will be sold to satisfy your obligations. The effect of such sale will be to deprive you and all those who hold by, through or under you of all interest in the property;

(3) Cause a copy of the notice as provided in section 4(1)(f) of this 1975 amendatory act to be published in a legal newspaper in each county in which the property or any part thereof is situated, once weekly during the four weeks preceding the time of sale;"

Renumber the remaining subsections consecutively.

On page 11, section 5, line 9, after "advantageous" and before "the" strike "postpone" and insert "continue"

On page 11, section 5, line 29, before "of" strike "4(5)" and insert "4(6)"

On page 12, section 5, line 18, after "fees" and before "shall" insert "and the attorney's fees"

On page 12, section 5, line 19, after "dollars" and before the period insert "without court approval", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Clarke, the Senate concurred in the House amendments to Engrossed Senate Bill No. 2416.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No.

2416, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; nays, 1; absent or not voting, 2; excused, 3.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Donohue, Fleming, Francis, Goltz, Gould, Grant, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Stortini, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson, Woody—43.

Voting nay: Senator Day—1.

Absent or not voting: Senators Keefe, Sellar—2.

Excused: Senators Guess, Murray, von Reichbauer—3.

ENGROSSED SENATE BILL NO. 2416, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of the House Message on Substitute Senate Bill No. 2519.

MESSAGE FROM THE HOUSE

May 20, 1975.

Mr. President: The House has passed SUBSTITUTE SENATE BILL NO. 2519 with the following amendments:

On page 4, line 15, after "members" insert "*who are truly representative of the public, including the minority community, and shall be*"

On page 4, line 19, after "a" strike "*public or private*", and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

MOTION

On motion of Senator Sandison, the Senate concurred in the House amendments to Substitute Senate Bill No. 2519.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2519, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 2; excused, 2.

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

Absent or not voting: Senators Keefe, Sellar—2.

Excused: Senators Murray, von Reichbauer—2.

SUBSTITUTE SENATE BILL NO. 2519, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of the House Message on Engrossed Senate Bill No. 2623.

MESSAGE FROM THE HOUSE

May 20, 1975.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2623 with the following amendments:

On line 1 of the title, after "abuse", beginning with the semicolon strike the remainder of the title and insert "and neglect; amending section 1, chapter 13, Laws of 1965 as amended by section 1, chapter 35, Laws of 1969 ex. sess. and RCW 26.44.010; amending section 2, chapter 13, Laws of 1965 as amended by section 2, chapter 35, Laws of 1969 ex. sess. and RCW 26.44.020; amending section 3, chapter 13, Laws of 1965 as last amended by section 1, chapter 167, Laws of 1971 ex. sess. and RCW 26.44.030; amending section 4, chapter 13, Laws of 1965 as last amended by section 2, chapter 167, Laws of 1971 ex. sess. and RCW 26.44.040; amending section 5, chapter 13, Laws of 1965 as last amended by section 15, chapter 302, Laws of 1971 ex. sess. and RCW 26.44.050; amending section 6, chapter 13, Laws of 1965 and RCW 26.44.060; amending section 6, chapter 35, Laws of 1969 ex. sess. as amended by section 1, chapter 46, Laws of 1972 ex. sess. and RCW 26.44.070; and adding new sections to chapter 26.44 RCW."

On page 1, strike everything after the enacting clause and insert the following:

"Section 1. Section 1, chapter 13, Laws of 1965 as amended by section 1, chapter 35, Laws of 1969 ex. sess. and RCW 26.44.010 are each amended to read as follows:

[In order to protect children and the mentally retarded whose health and welfare may be adversely affected through the infliction, by other than accidental means, of death, physical injury and/or physical neglect, or sexual abuse,] *The Washington state legislature finds and declares: The bond between a child and his or her parent, custodian, or guardian is of paramount importance, and any intervention into the life of a child is also an intervention into the life of the parent, custodian, or guardian; however, instances of nonaccidental injury, neglect, death, sexual abuse and cruelty to children by their parents, custodians or guardians have occurred, and in the instance where a child or mentally retarded person is deprived of his or her right to conditions of minimal nurture, health, and safety, the state is justified in emergency intervention based upon verified information; and therefore the Washington state legislature hereby provides for the reporting of such cases to the appropriate public authorities. It is the intent of the legislature that, as a result of such reports, protective services shall be made available in an effort to prevent further abuses, and to safeguard [and enhance] the general welfare of such children: PROVIDED, That such reports shall be maintained and disseminated with strictest regard for the privacy of the subjects of such reports and so as to safeguard against arbitrary, malicious or erroneous information or actions: PROVIDED FURTHER, That this chapter shall not be construed to authorize interference with child-raising practices, including reasonable parental discipline, which are not proved to be injurious to the child's health, welfare and safety.*

Sec. 2. Section 2, chapter 13, Laws of 1965 as amended by section 2, chapter 35, Laws of 1969 ex. sess. and RCW 26.44.020 are each amended to read as follows:

For the purpose of and as used in this chapter:

(1) "Court" means the superior court of the state of Washington, juvenile department.

(2) "Law enforcement agency" means the police department, the prosecuting attorney, the state patrol, the director of public safety, or the office of the sheriff.

(3) "Practitioner of the healing arts" or "practitioner" means a person licensed by this state to practice [chiroprody] *podiatry, optometry, chiropractic, nursing, dentistry, osteopathy and surgery, or medicine and surgery.* The term "practitioner" shall include a duly accredited Christian Science practitioner: PROVIDED, HOWEVER, That a child who is being furnished Christian Science treatment by a duly accredited Christian Science practitioner shall not be considered, for that reason alone, a [physically] neglected child for the purposes of this chapter.

(4) "Institution" means a private or public hospital or any other facility providing medical diagnosis, treatment or care.

(5) "Department" means the state department of [public assistance] *social and health services*.

(6) "Child" or "children" means any person under the age of eighteen years of age and shall also include any mentally retarded person regardless of age.

(7) "Professional school personnel" shall include, but not be limited to, teachers, counselors, administrators, *child care facility personnel*, and school nurses.

(8) "Social worker" shall mean anyone engaged in a *professional capacity during the regular course of employment* in encouraging or promoting the health [or], welfare [or], support or education of children [under the age of eighteen years], or *providing social services to adults or families*, whether in an individual capacity, or as an employee or agent of any public or private organization or institution.

(9) "Psychologist" shall mean any person licensed to practice psychology under chapter 18.83 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(10) "Pharmacist" shall mean any registered pharmacist under the provisions of chapter 18.64 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(11) "Clergyman" shall mean any regularly licensed or ordained minister or any priest of any church or religious denomination, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(12) "*Child abuse or neglect*" shall mean the injury, sexual abuse, or negligent treatment or maltreatment of a child by a person who is legally responsible for the child's welfare under circumstances which indicate that the child's health, welfare and safety is harmed or threatened thereby. An abused child is a child who has been subjected to child abuse or neglect as defined herein. "*Negligent treatment or maltreatment*" shall mean an act or omission which evinces a serious disregard of consequences of such magnitude as to constitute a clear and present danger to the child's health, welfare and safety: *PROVIDED*, That this subsection shall not be construed to authorize interference with child-raising practices, including reasonable parental discipline, which are not proved to be injurious to the child's health, welfare and safety.

(13) "*Child protective services section*" shall mean the child protective services section of the department.

Sec. 3. Section 3, chapter 13, Laws of 1965 as last amended by section 1, chapter 167, Laws of 1971 ex. sess. and RCW 26.44.030 are each amended to read as follows:

(1) When any practitioner, professional school personnel, registered or licensed nurse, social worker, psychologist, pharmacist, [clergyman,] or employee of the department of social and health services has reasonable cause to believe that a child has [died or has had physical injury or injuries inflicted upon him, other than by accidental means, or is found to be suffering from physical neglect, or sexual abuse] *suffered child abuse or neglect*, he shall report such incident, or cause a report to be made, to the proper law enforcement agency or to the department of social and health services as provided in RCW 26.44.040.

(2) [When a practitioner, professional school personnel, registered nurse, social worker, psychologist, pharmacist, clergyman, or employee of the department of social and health services is attending a child as part of his regular duties and has cause to believe that such child has died or has had physical injury or injuries inflicted upon him other than by accidental means, or who is found to be suffering from physical neglect, or sexual abuse, he shall notify the person in charge of the institution, organization, school, or the department or his designated representative, who shall report the incident or cause such reporting to be made as provided in RCW 26.44.040] *Any other person who has reasonable cause to believe that a child has suffered child abuse or neglect may report such incident to the proper law enforcement agency or to the department of social and health services as provided in RCW 26.44.040 as now or hereafter amended.*

(3) *The department or any law enforcement agency receiving a report of an incident of child abuse or neglect pursuant to this act, involving a child who has died or has had physical injury or injuries inflicted upon him other than by accidental means or who*

has been subjected to sexual abuse shall report such incident to the proper county prosecutor for appropriate action.

Sec. 4. Section 4, chapter 13, Laws of 1965 as last amended by section 2, chapter 167, Laws of 1971 ex. sess. and RCW 26.44.040 are each amended to read as follows:

An immediate oral report shall be made by telephone or otherwise to the proper law enforcement agency or the department of social and health services and, *upon request*, 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 *of the child*;
- (5) The nature and extent of the sexual abuse;
- (6) Any evidence of previous injuries, including their nature and extent; and
- (7) Any other information which may be helpful in establishing the cause of the child's death, injury, or injuries and the identity of the perpetrator or perpetrators.

Sec. 5. Section 5, chapter 13, Laws of 1965 as last amended by section 15, chapter 302, Laws of 1971 ex. sess. and RCW 26.44.050 are each amended to read as follows:

Upon the receipt of a report concerning the possible [nonaccidental infliction of a physical injury upon a child or physical neglect, or sexual abuse] *occurrence of child abuse or neglect*, it shall be the duty of the law enforcement agency or the department of social and health services to investigate and provide [child welfare services] *the child protective services section* with a report in accordance with the provision of chapter 74.13 RCW, and where necessary to refer such report to the court. Notwithstanding the provisions of RCW 13.04.130 as now or hereafter amended, the law enforcement agency or the department of social and health services investigating such a report is hereby authorized to photograph such a child for the purpose of providing documentary evidence of the physical condition of the child at the time the child was taken into custody.

Sec. 6. Section 6, chapter 13, Laws of 1965 and RCW 26.44.060 are each amended to read as follows:

[Any person participating in the making of a report pursuant to this chapter or participating in a judicial proceeding resulting therefrom shall in so doing be immune from any civil liability that might otherwise be incurred or imposed. That the provisions of this chapter heretofore provided shall not be deemed violation of the patient-physician relationship or confidence.] *(1) Any person participating in good faith in the making of a report pursuant to this chapter or testifying as to alleged child abuse or neglect in a judicial proceeding shall in so doing be immune from any criminal or civil liability arising out of such reporting or testifying under any law of this state or its political subdivisions.*

(2) An administrator of a hospital or similar institution or any physician licensed pursuant to chapters 18.71 or 18.57 RCW taking a child into custody pursuant to section 9 of this amendatory act shall not be subject to criminal or civil liability for such taking into custody.

(3) Conduct conforming with the reporting requirements of this chapter shall not be deemed a violation of the confidential communication privilege of RCW 5.60.060 (3) and (4) and 18.83.110. Nothing in this chapter shall be construed as to supersede or abridge remedies provided in chapter 4.92 RCW.

Sec. 7. Section 7, chapter 35, Laws of 1969 ex. sess. as amended by section 1, chapter 46, Laws of 1972 ex. sess. and RCW 26.44.070 are each amended to read as follows:

The department shall maintain a central registry of reported cases of child abuse and shall adopt such rules and regulations as necessary in carrying out the provisions of this section. Records in the central registry shall be considered confidential and privileged and will not be available *except upon court order* to any person or agency except *(1) law enforcement agencies as defined in this chapter [and, to those professionals, defined by rules and regulations, who might be treating the child and/or family pro-*

vided, that such law enforcement agencies and professionals] *in the course of an investigation of alleged child abuse or neglect; (2) to child protective services workers or juvenile court personnel who are investigating reported incidences of child abuse or neglect; (3) physicians who are treating the child or family; (4) any child named in the registry who is alleged to be abused or neglected, or his or her guardian ad litem and/or attorney; (5) a parent, guardian, or other person legally responsible for the welfare and safety of the child named in the registry; (6) any person engaged in a bona fide research purpose, as determined by the department, according to rules and regulations, provided that information identifying the persons of the registry shall remain privileged; and (7) any individual whose name appears on the registry shall have access to his own records. Those persons or agencies exempted by this section from the confidentiality of the records of the registry shall not further disseminate or release such information so provided to them and shall respect the confidentiality of such information, and any violation of this section shall constitute a misdemeanor.*

NEW SECTION. Sec. 8. There is added to chapter 26.04 RCW a new section to read as follows:

(1) In any judicial proceeding in which it is alleged that a child has been subjected to child abuse or neglect the court shall appoint a guardian ad litem for the child: **PROVIDED**, That the requirement of a guardian ad litem shall be deemed satisfied if the child is represented by counsel in the proceedings.

(2) At any time prior to or during a hearing in such a case, the court may, on its own motion, or the motion of the guardian ad litem, or other parties, order the examination by a physician, psychologist or psychiatrist, of any parent or child or other person having custody of the child at the time of the alleged child abuse or neglect, if the court finds such an examination is necessary to the proper determination of the case. The hearing may be continued pending the completion of such examination. The physician, psychologist or psychiatrist conducting such an examination may be required to testify in the dispositional hearing concerning the results of such examination and may be asked to give his opinion as to whether the protection of the child requires that he not be returned to the custody of his parents or other persons having custody of him at the time of the alleged child abuse or neglect. Persons so testifying shall be subject to cross-examination as are other witnesses. No testimony given at any such examination of the parent or any other person having custody of the child may be used against such person in any subsequent criminal proceedings against such person or custodian concerning the abuse or neglect of the child.

(3) A parent or other person having legal custody of a child alleged to be a child subjected to abuse or neglect shall be a party to any proceeding that may as a practical matter impair or impede such person's interest in custody or control of his or her child.

NEW SECTION. Sec. 9. There is added to chapter 26.44 RCW a new section to read as follows:

An administrator of a hospital or similar institution or any physician, licensed pursuant to chapters 18.71 or 18.57 RCW, may detain a child without consent of a person legally responsible for the child whether or not medical treatment is required, if the circumstances or conditions of the child are such that the detaining individual has reasonable cause to believe that permitting the child to continue in his or her place of residence or in the care and custody of the parent, guardian, custodian or other person legally responsible for the child's care would present an imminent danger to that child's health and safety: **PROVIDED**, That such administrator or physician shall immediately notify or cause to be notified the appropriate law enforcement agency or juvenile court officer pursuant to section 4 of this amendatory act and request immediate transfer of custody. Such temporary protective custody by an administrator or doctor shall not be deemed an arrest and shall continue only until supervisory custody is assumed by the appropriate law enforcement agency or juvenile court.

NEW SECTION. Sec. 10. If any provision of this 1975 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the

application of the provision to other persons or circumstances is not affected.”, and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

MOTION

Senator Marsh moved that the Senate do concur in the House amendments to Engrossed Senate Bill No. 2623.

POINT OF INQUIRY

Senator Day: “Would Senator Marsh yield? Senator, is not this substantively another bill that is before the Senate Social and Health Services Committee?”

Senator Marsh: “It is quite similar to House Bill 44, if that is the bill you are referring to.”

MOTION

Senator Day moved that Engrossed Senate Bill No. 2623, together with the House amendments thereto, be referred to the Committee on Social and Health Services.

MOTION

Senator Marsh moved that further consideration of the House Message on Engrossed Senate Bill No. 2623 be held for Friday, May 23, 1975.

There being no objection, the motion by Senator Day was withdrawn.

The motion by Senator Marsh carried. Engrossed Senate Bill No. 2623 and the House Message thereto will be considered on Friday, May 23, 1975.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of the House Message on Engrossed Senate Bill No. 2169.

MESSAGE FROM THE HOUSE

May 21, 1975.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2169 with the following amendment:

On page 1, line 26, after the period strike the language through the period on line 28 and insert the following: “The superintendent of public instruction shall report the results of the survey to the 1977 legislature.”, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Stortini, the Senate concurred in the House amendments to Engrossed Senate Bill No. 2169.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2169, 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 Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. “Bob”), Mardesich, Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Stortini, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson, Woody—44.

Absent or not voting: Senators Fleming, Keefe, Sellar—3.

Excused: Murray, von Reichbauer—2.

ENGROSSED SENATE BILL NO. 2169, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of the House Message on Substitute House Bill No. 62.

MESSAGE FROM THE HOUSE

May 21, 1975.

Mr. President: The House has concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 62, except the following amendment:

On line 7, after "(11)" and before "," insert ", but shall utilize any existing private ambulance service as a part of that system" and asks the Senate to recede therefrom, and said bill, together with the Senate amendments thereto, are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

Senator Fleming moved that the Senate do recede in the Senate amendment on line 7 of Substitute House Bill No. 62.

POINT OF INQUIRY

Senator Rasmussen: "Will Senator Fleming yield to a question? The amendment that we are striking out, Senator Fleming, 'but shall utilize any existing private ambulance service as part of that system,' my question to you is, I do not know what kind of a consortium that Seattle is developing but what consideration is there for those people that have invested thousands of dollars? These ambulances cost a great deal of money. Are they going to buy them out or — I do not know just what they have in mind for these people that have already been in the ambulance service."

Senator Fleming: "First of all, this would not do anything with the private ambulance service, Senator Rasmussen. This is doing more involved with the Medic 1 program, but if there was a situation, they wanted to make sure that, one, it would be in agreement and it would not be in competition with private ambulance service or regular ambulance service if need be."

Senator Rasmussen: "That is what this bill originally—but now we are taking this amendment off, why it leaves these people that have invested thousands of dollars right out in the cold."

Senator Fleming: "To explain it in more detail, no it would not. Let me look at the bill because if you will notice another one of the amendments deals with the same area of ambulance service. This portion that we are talking about here is for first aid. The Medic 1 service is not regular ambulance service, and that was just merely put in there originally by the private ambulance boys because they had some specific concern that if there was a situation that might be some conflict that there would be some competition, and so this part here is dealing more with first aid Medic 1 and not general ambulance service."

Senator Rasmussen: "Thank you."

The motion by Senator Fleming carried and the Senate receded from the Senate amendment to line 7 of Substitute House Bill No. 62.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 62, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry,

Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Stortini, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson, Woody—46.

Absent or not voting: Senator Sellar—1.

Excused: Senators Murray, von Reichbauer—2.

SUBSTITUTE HOUSE BILL NO. 62, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

INTRODUCTION AND FIRST READING

SUBSTITUTE HOUSE BILL NO. 200, by Committee on Ways and Means (originally sponsored by Representatives Thompson, Fortson, Wojahn, and Laughlin) (by State Teachers' Retirement System request):

Redefining fiscal year for teachers' retirement purposes.

Referred to Committee on Ways and Means.

ENGROSSED HOUSE BILL NO. 405, by Representatives Conner, Savage, King and Charette:

Prescribing a change in computation of weekly unemployment compensation benefit amounts.

Referred to Committee on Labor.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 880, by Committee on Ecology (originally sponsored by Representatives Luders and Zimmerman):

Providing for a study of water resources allocation and imposing a moratorium on the granting of certain permits.

Referred to Committee on Agriculture.

MOTION

At 12:15 p.m., on motion of Senator Mardesich, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

MOTIONS

On motion of Senator Talley, Senator Keefe was excused.

O motion of Senator Knoblauch, Senator Herr was excused.

At 1:40 p.m., on motion of Senator Mardesich, the Senate recessed until 4:00 p.m.

SECOND AFTERNOON SESSION

The President called the Senate to order at 4:00 p.m.

MOTION

On motion of Senator Fleming, Engrossed House Bill No. 733 was made a special order of business for 2:00 p.m., Friday, May 23, 1975.

SECOND READING

SENATE BILL NO. 2500, by Senators Mardesich, Matson, Lewis (Harry), Bailey, Gould, North and Ridder:

Enacting the education employment relations act.

MOTIONS

On motion of Senator Sandison, Substitute Senate Bill No. 2500 was substituted for Senate Bill No. 2500 and the substitute bill was placed on second reading.

On motion of Senator Sandison, Substitute Senate Bill No. 2500 was ordered placed at the beginning of the second reading calendar for Monday, May 26, 1975.

On motion of Senator Mardesich, Senate Bill No. 2263 was ordered placed immediately following consideration of Substitute Senate Bill No. 2500 on the second reading calendar for Monday, May 26, 1975.

On motion of Senator Mardesich, Substitute House Bill No. 1141 was ordered to hold its place on the third reading calendar for Monday, May 26, 1975.

On motion of Senator Mardesich, Senate Bill No. 2735 was ordered placed on today's second reading calendar following Engrossed House Bill No. 612.

On motion of Senator Mardesich, the Senate commenced consideration of Substitute House Bill No. 126.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 126, by Judiciary Committee (originally sponsored by Representatives Hayner, May, Amen, Bond and Paris):

Making it unlawful to display indecent material.

REPORT OF STANDING COMMITTEE

May 1, 1975.

SUBSTITUTE HOUSE BILL NO. 126, making it unlawful to display indecent material (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

Strike all material after the enacting clause and insert the following:

"NEW SECTION. Section 1. There is added to chapter 9.68 RCW a new section to read as follows:

(1) A person is guilty of unlawful display of sexually explicit material if he knowingly exhibits such material on a viewing screen so that the sexually explicit material is easily visible from a public thoroughfare, park or playground or from one or more family dwelling units.

(2) "Sexually explicit material" as that term is used in this section means any pictorial material displaying direct physical stimulation of unclothed genitals, masturbation, sodomy (i.e. bestiality or oral or anal intercourse), flagellation or torture in the context of a sexual relationship, or emphasizing the depiction of adult human genitals: PROVIDED, HOWEVER, That works of art or of anthropological significance shall not be deemed to be within the foregoing definition.

(3) Any person who violates subsection (1) of this section shall be guilty of a misdemeanor."

In line 1 of the title after "to crimes;" strike all of the material down to and including "penalties." on line 6 and substitute "adding a new section to chapter 9.68 RCW; and prescribing a penalty."

Signed by: Senators Francis, Chairman; Buffington, Jones, Marsh, Scott, Woody.

The bill was read the second time by sections.

Senator Francis moved adoption of the committee amendment.

POINT OF INQUIRY

Senator Bottiger: "I wonder if Senator Francis would yield to a question? Senator Francis, there are obviously many outdoor movie theaters in this state that show 'R' and 'X' rated films and whether they do so or not I am not commenting on, but I find that this bill would take effect ninety days from the end of this session and there would be no

way within that — I should not say no way — it would be an extremely financially difficult thing to build fences as high as might be necessary to meet the standards of this act, and I am wondering if you see any way out for the movie theater operator, short of building high fences?"

Senator Francis: "Senator Bottiger, first I would not have any particular objection if a postponed date was put on it. I think that would be something that Senator Benitz may wish to address himself to. Yes, there is one way out and that is if they have that kind of and outdoor theater that does not already have a high fence around it they would have to show only movies that did not come within the descriptions here, and if you will read subsection (2), the definition of sexually explicit material, I think you are talking about fairly hard core 'X' rated films. Now the theater operator in question who had offended sent me a list of the last one hundred fifty or one hundred seventy films that had been shown in his theater over a period of two or three years, and there was a very small percentage of those that looked like they would be rated more than 'R', and it would seem to me that it would not be that much trouble for a theater owner, for instance these people right near here I see in the Daily Olympian are showing Deep Throat and The Devil and Miss Jones, I would think that those would probably come within this definition. They would have to switch to some other movie until they could have something higher built, and I think that is not that tough of a problem for them just to show the kind of movies that would be allowed or would be acceptable under this bill until they were able to erect an adequate fence."

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

On motion of Senator Francis, the committee amendment to the title was adopted.

On motion of Senator Francis, the rules were suspended, Substitute House Bill No. 126, 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 Francis yield to a question? Will you explain again that amendment and the Supreme Court decision so we can understand it a little better?"

Senator Francis: "Senator Talley, I do not have reference to the Supreme Court decision handy but the committee amendment simply defines sexually explicit material in detail and says that a person is guilty of unlawful display of sexually explicit material if he knowingly exhibits such material on a viewing screen so that the sexually explicit material is easily visible from a public thoroughfare, park or playground or from one or more family dwelling units, so we are just talking about the fact that if people are going to be showing sexually explicit material in outdoor movies that they are going to have to make it so it is not able to be seen from outside the theater itself."

Senator Talley: "Could you give me a legal definition of a sexually . . ."

Senator Francis: "It is right here in the bill, Senator, and I do not know if you need to have me read it to you."

Senator Talley: "I would like to have you explain it to me."

Senator Francis: "I would say that sexually explicit material includes the direct physical depiction of unclothed human genitals and also of sexual acts of various kinds, most of which are regarded as somewhat out of the ordinary."

Senator Talley: "What did you say?"

Debate ensued.

POINT OF INQUIRY

Senator Talley: "Would Senator Francis yield? Senator Francis, at home we have a drive-in theater and alongside of it is a main highway that is on a grade and this grade is probably fifty, sixty, feet high. There is no way on God's green earth they can put a fence high enough to block out that screen. What does this man do? Does he have any redress or is he just out of business?"

Senator Francis: "Senator Talley, I guess the obvious thing is to recommend that he

go for the 'G' movies, and if he cannot survive financially, I am sure that there is an engineering firm that has been working in Seattle very good at putting on domes, and they might be able . . ."

Senator Talley: "Underneath this drive-in theater is the same kind of ground as you have in Seattle. It would sink."

Senator Francis: "Actually, Senator Talley, I do not think it is that serious a problem because I do think we have had a safety problem with drive-in theaters that distract automobile drivers anyway, and yet this does not speak to all of that. It only speaks to those kind which would have to be, I think, rated as 'X' rated and there are some 'X' rated movies that might not even be included in this definition, so I frankly think that the person who operates this theater is going to be able to survive economically. They are just going to have to be careful about which movies they display."

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 126, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; absent or not voting, 4; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Francis, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson—41.

Absent or not voting: Senators Donohue, Fleming, Mardesich, Woody—4.

Excused: Senators Goltz, Keefe, Murray, von Reichbauer—4.

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

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Substitute House Bill No. 693 on third reading.

THIRD READING

SUBSTITUTE HOUSE BILL NO. 693, by Committee on Local Government (originally sponsored by Representatives North, Berentson, Kalich and Fortson):

Requiring advertising public contracts in a newspaper in the part of the county where the work is to be done.

MOTIONS

On motion of Senator Marsh, the rules were suspended, Substitute House Bill No. 693 was returned to second reading.

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

On page 1, line 24, after "done" insert ": *PROVIDED, HOWEVER, That if the county official newspaper is a newspaper of general circulation covering at least twenty percent of the residences in that part of the county in which such work is to be done publication of an advertisement of the applicable specifications in the county official newspaper only shall be sufficient*"

On motion of Senator Fleming the rules were suspended, Substitute House Bill No. 693, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 693, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 28; nays, 12; absent or not voting, 5; excused, 4.

Voting yea: Senators Bailey, Beck, Bluechel, Bottiger, Buffington, Cunningham, Day, Fleming, Gould, Grant, Henry, Jolly, Knoblauch, Lewis (R. H. "Bob"), Mardes-

ich, Marsh, McDermott, Odegard, Peterson, Pullen, Rasmussen, Sandison, Sellar, Storini, Talley, Walgren, Washington, Woody—28.

Voting nay: Senators Benitz, Clarke, Francis, Guess, Lewis (Harry), Matson, Morrison, North, Ridder, Scott, Van Hollebeke, Wanamaker—12.

Absent or not voting: Senators Donohue, Herr, Jones, Newschwander, Wilson—5.

Excused: Senators Goltz, Keefe, Murray, von Reichbauer—4.

SUBSTITUTE HOUSE BILL NO. 693, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

MOTIONS

On motion of Senator Mardesich, Engrossed Substitute House Bill No. 40 was ordered placed at the end of today's second reading calendar.

On motion of Senator Mardesich, the Senate commenced consideration of Engrossed Substitute House Bill No. 212.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 212, by Committee on Commerce (originally sponsored by Representatives Jastad, Kalich, Haussler, Hendricks, Haley, Gallagher and Gaines):

Changing the gambling laws relating to amusement games.

REPORT OF STANDING COMMITTEE

May 16, 1975.

ENGROSSED SUBSTITUTE HOUSE NO. 212, changing the gambling laws relating to amusement games (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

On page 11, section 1, line 4, insert a new subsection as follows:

"(22) 'Annual fund-raising event' means a fund raising event conducted during any three consecutive days and not more than once in any calendar year by a bona fide charitable or nonprofit organization as defined in subsection (3) of this section, upon authorization therefor by the commission, which the legislature hereby authorizes to issue a permit therefor, with or without fee, permitting the following activities, or any of them, during such event: Bingo, amusement games, contests of chance, lotteries and raffles: PROVIDED, That (a) gross wagers and bets received by the organization less the amount of money paid by the organization as winnings and for the purchase cost of prizes given as winnings do not exceed five thousand dollars; (b) such activities shall not include any mechanical gambling or lottery device activated by the insertion of a coin or by the insertion of any object purchased by any person taking a chance by gambling in respect to the device; (c) only bona fide members of the organization who are not paid for such service shall participate in the management or operation of the activities, and all income therefrom, after deducting the cost of prizes and other expenses, shall be devoted solely to the lawful purposes of the organization; and (d) such organization shall notify the appropriate local law enforcement agency of the time and place where such activities shall be conducted. The commission shall require an annual information report setting forth in detail the expenses incurred and the revenue received relative to the activities permitted."

Renumber the remaining subsection.

On page 12, section 2, line 3, after "gambling" and before "conducted" insert "or 'annual fund raising events'"

On page 12, section 2, line 8, after "gambling" and before "without" insert "or annual fund raising events"

On page 12, section 2, line 9, after "gambling" strike "is" and insert "or annual fund raising events are"

On page 13, section 2, line 14, after "pools" and before "when" strike "*or small scale gambling*" and insert "*, small scale gambling or annual fund raising events*"

On page 20, line 12 of the printed bill, add new sections following section 6 as follows:

"Sec. 7. Section 13, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.130 are each amended to read as follows:

The premises and paraphernalia, and all the books and records of any person, association or organization conducting gambling activities authorized under RCW 9.46.030 and any person, association or organization receiving profits therefrom or having any interest therein shall be subject to inspection and audit at any reasonable time, with or without notice, upon demand, by the commission or its designee, the attorney general or his designee, the chief of the Washington state patrol or his designee or the prosecuting attorney, sheriff or director of public safety or their designees of the county wherein located, or the chief of police or his designee of any city or town in which said organization is located, for the purpose of determining compliance or noncompliance with the provisions of this chapter any any rules or regulations adopted pursuant thereto.

The [department of revenue] *commission* shall be provided at such reasonable intervals as the [department] *commission* shall determine with a report, under oath, detailing all receipts and disbursements in connection with such gambling activities together with such other reasonable information as required in order to determine whether such activities comply with the purposes of this chapter or any local ordinances relating thereto. [Upon request, copies of such reports shall be provided by the department of revenue to any law enforcement agency.]

Sec. 8. Section 14, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.140 are each amended to read as follows:

For the purpose of obtaining information concerning any matter relating to the administration or enforcement of this chapter, the commission, or any person appointed by it in writing for the purpose, may inspect the books, documents and records of any person lending money to or in any manner financing any license holder or applicant for a license or receiving any income or profits from the use of such license for the purpose of determining compliance or noncompliance with the provisions of this chapter or the rules and regulations adopted pursuant thereto. The commission, or its designee, may conduct hearings, administer oaths, take depositions, compel the attendance of witnesses and issue subpoenas pursuant to RCW 34.04.105. *The commission may appoint hearing officers to conduct hearings respecting the suspension, revocation or denial of licenses, who may administer oaths, admit or deny admission of evidence, compel the attendance of witnesses, issue subpoenas, issue orders and exercise all other powers and perform all other functions set out in RCW 34.04.090 (6) and (8), 34.04.100 and 34.04.105. The salaries and expenses of such hearing officers may be paid from any revenues available to the commission.*

Sec. 9. Section 16, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.160 are each amended to read as follows:

Any person who conducts [gambling activities] *any activity for which a license is required by this chapter, or by rule of the commission*, without [a] *the required* license issued by the commission shall be guilty of a felony and upon conviction shall be punished by imprisonment for not more than five years or by a fine of not more than one hundred thousand dollars, or both. If any corporation conducts any [gambling] activity *for which a license is required by this chapter, or by rule of the commission*, without [a] *the required* license issued by the commission, it may be punished by forfeiture of its corporate charter, in addition to the other penalties set forth in this section.

Sec. 10. Section 21, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 9, chapter 155, Laws of 1974 ex. sess. and RCW 9.46.210 are each amended to read as follows:

(1) It shall be the duty of and all peace officers or law enforcement officers or law enforcement agencies within this state are hereby empowered to investigate, and enforce and prosecute all violations of this chapter. *Law enforcement agencies of cities and counties shall investigate and report to the commission all violations of the provisions of*

this chapter and of the rules of the commission found by them and shall assist the commission in any of its investigations and proceedings respecting any such violations. Such law enforcement agencies shall not be deemed agents of the commission.

(2) In addition to its other powers and duties, the commission shall have the power to enforce the penal provisions of chapter 218, Laws of 1973 1st ex. sess. and as it may be amended, and the penal laws of this state relating to the conduct of or participation in gambling activities and the manufacturing, importation, transportation, distribution, possession and sale of equipment or paraphernalia used or for use in connection therewith. The director, both assistant directors and each of the investigators and inspectors assigned by the department of motor vehicles to the commission shall have the power, under the supervision of the commission, to enforce the penal provisions of chapter 218, Laws of 1973 1st ex. sess. and as it may be amended, and the penal laws of this state relating to the conduct of or participation in gambling activities and the manufacturing, importation, transportation, distribution, possession and sale of equipment or paraphernalia used or for use in connection therewith. They shall have the power and authority to apply for and execute all warrants and serve process of law issued by the courts in enforcing the penal provisions of chapter 218, Laws of 1973 1st ex. sess. and as it may be amended, and the penal laws of this state relating to the conduct of or participation in gambling activities and the manufacturing, importation, transportation, distribution, possession and sale of equipment or paraphernalia used or for use in connection therewith. They shall have the power to arrest without a warrant, any person or persons found in the act of violating any of the penal provisions of chapter 218, Laws of 1973 1st ex. sess. and as it may be amended, and the penal laws of this state relating to the conduct of or participation in gambling activities and the manufacturing, importation, transportation, distribution, possession and sale of equipment or paraphernalia used or for use in connection therewith. To the extent set forth above, the commission shall be a law enforcement agency of this state with the power to investigate for violations of and to enforce the provisions of this chapter, as now law or hereafter amended, and to obtain information from and provide information to all other law enforcement agencies.

Sec. 11. Section 6, chapter 135, Laws of 1974 ex. sess. as amended by section 6, chapter 155, Laws of 1974 ex. sess. and RCW 9.46.295 are each amended to read as follows:

Any license to engage in any of the gambling activities authorized by this chapter as now exists or as hereafter amended, and issued under the authority thereof shall be legal authority to engage in the gambling activities for which issued throughout the incorporated and unincorporated area of any county, except that a city located therein with respect to that city, or a county with respect to all areas within that county except for such cities, may absolutely prohibit, but may not change the scope of license, [any or] all of the gambling activities for which the license was issued.

NEW SECTION. Sec. 12. There is added to chapter 9.46 RCW a new section to read as follows:

Any county, city or town which collects a tax on gambling activities authorized pursuant to RCW 9.46.110 shall use the revenue from such tax primarily for the purpose of enforcement of the provisions of this chapter by the county, city or town law enforcement agency.

NEW SECTION. Sec. 13. There is added to chapter 9.46 RCW a new section to read as follows:

The commission may deny an application, or suspend or revoke any license or permit issued by it, for any reason or reasons, it deems to be in the public interest. These reasons shall include, but not be limited to, cases wherein the applicant or licensee, or any person with any interest therein:

(1) Has violated, failed or refused to comply with the provisions, requirements, conditions, limitations or duties imposed by chapter 9.46 RCW and any amendments thereto, or any rules adopted by the commission pursuant thereto, or when a violation of any provision of chapter 9.46 RCW, or any commission rule, has occurred upon any premises occupied or operated by any such person or over which he or she has substantial control;

(2) Knowingly causes, aids, abets, or conspires with another to cause, any person to violate any of the laws of this state or the rules of the commission;

(3) Has obtained a license or permit by fraud, misrepresentation, concealment, or through inadvertence or mistake;

(4) Has been convicted of, or forfeited bond upon a charge of, or pleaded guilty to, forgery, larceny, extortion, conspiracy to defraud, wilful failure to make required payments or reports to a governmental agency at any level, or filing false reports therewith, or of any similar offense or offenses, or of any crime, whether a felony or misdemeanor involving any gambling activity or involving moral turpitude;

(5) Denies the commission or its authorized representatives, including authorized local law enforcement agencies, access to any place where a licensed activity is conducted or who fails promptly to produce for inspection or audit any book, record, document or item required by law or commission rule;

(6) Shall fail to display its license on the premises where the licensed activity is conducted at all times during the operation of the licensed activity;

(7) Makes a misrepresentation of, or fails to disclose, a material fact to the commission.

For the purpose of reviewing any application for a license and for considering the denial, suspension or revocation of any license the gambling commission may consider any prior criminal conduct of the applicant and the provisions of RCW 9.95.240 and of chapter 9.96A RCW shall not apply to such cases."

Renumber the remaining sections consecutively.

On page 20, line 23 of the printed bill, after "gambling" and before "which" insert "and annual fund raising events"

In line 13 of the title after "RCW 9.46.120;" and before "adding" insert "amending section 13, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.130; amending section 14, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.140; amending section 16, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.160; amending section 21, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 9, chapter 155, Laws of 1974 ex. sess. and RCW 9.46.210; amending section 6, chapter 135, Laws of 1974 ex. sess. as amended by section 6, chapter 155, Laws of 1974 ex. sess. and RCW 9.46.295;"

Signed by: Senators Francis, Chairman; Buffington, Fleming, Jones, Van Hollebeke, Woody.

The bill was read the second time by sections.

Senator Bottiger moved adoption of the committee amendment to page 11, line 4.

POINT OF INQUIRY

Senator Cunningham: "Would Senator Bottiger yield to a question? Senator Bottiger, on this committee amendment you mentioned the words 'five thousand dollar gross.' Now as I read this it says 'a net profit of five thousand dollars.'"

Senator Bottiger: "Senator Cunningham, you are absolutely right. I misspoke."

Senator Cunningham: "Does this mean that they could raise fifty thousand dollars, pay forty-five thousand in a salary and expense and still comply with this?"

Senator Bottiger: "No, only members of the nonprofit corporation can be employed for the 'Reno Night' and they may not be paid. I mean, they have to be volunteers. You will not have any salary delineation. There would be, of course, the winnings, the wagers that are made. Traditionally, there are merchandise prizes that are used to avoid actual dollars. Those things concern me and, as I say, I mentioned all of them to the Gambling Commission representative and they felt with these other safeguards in there that it was acceptable."

Senator Cunningham: "To continue, Senator Bottiger, with the question, specifically where can I find the language that says—I just partly answered some of the question I was going to ask. This thing on unpaid members of the organization I see is covered in subparagraph (3), my problem, Senator, is the five thousand dollars. Now that is still saying a net profit. Would there be an objection to changing that to gross, such as you described it?"

Senator Bottiger: "Yes, there would. I can give you an example of the Parkland

JC's that kept a kid on a kidney machine for some time by having a 'Reno Night' under the old tolerance policy, and if you took it down to five thousand dollars gross and you paid out anything at all for prizes, the night would not be very successful. For example, Senator Woody mentions a car. Quite often they do this with chips. You buy chips and the guy that ends up with the most wins the big prize for the night, and so if you had to deduct the cost of the prizes you would have a very small event."

Senator Cunningham: "Senator, my problem is that right now you can have a lottery. We have laws which exist, charitable organizations to have lotteries, and they can go ahead and they can raffle off the car and they can handle the expense of the car and still end up with proceeds. What I am concerned about here is we are looking, basically a 'Reno Night' is not a car lottery."

Senator Bottiger: "No, sir, it is not."

Senator Cunningham: "It is usually roulette, craps, blackjack, things of that nature,"

Senator Bottiger: "Even pinochle and bridge."

Senator Cunningham: "And so what I would contend is that if all of the labor is unpaid volunteers, technically there should be a minimum of expense and I should think that the five thousand dollar gross would be reasonable."

Senator Bottiger: "If your definition of gross excluded the prizes and the winnings, you and I would have no conflict, but I am afraid the definition of gross, you would have to deduct those things. It becomes an almost impossible task to figure out how much was won if cash is used and if it is prizes then you have scaled the night down to a very small thing, Senator Cunningham, and that is the only objection I would have."

The motion by Senator Bottiger carried and the committee amendment was adopted.

On motion of Senator Bottiger, the committee amendments to page 12, lines 3, 8 and 9 were adopted.

On motion of Senator Bottiger, the committee amendment to page 13, line 14 was adopted.

Senator Francis moved adoption of the committee amendment to page 20, line 12.

Senator Bottiger moved adoption of the following amendment by Senators Odegaard and Bottiger to the committee amendment:

On page 4 of the Senate Committee Amendment by Senate Committee on Judiciary, beginning on line 20, strike all of section 11 and renumber the following sections.

POINT OF INQUIRY

Senator Ridder: "Would Senator Bottiger yield? Would bingo be affected by this?"

Senator Bottiger: "Yes, ma'am. They wanted to outlaw pulltabs. If we do not adopt this amendment they would have to take bingo with it."

Senator Ridder: "Fine, thank you."

Debate ensued.

POINT OF INQUIRY

Senator Bailey: "Would Senator Van Hollebeke yield? Senator Van Hollebeke, are you speaking for or against the amendment to the amendment?"

Senator Van Hollebeke: "I am speaking against taking that section out. I am sorry, Thank you."

Further debate ensued.

The motion by Senator Bottiger carried and the amendment 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 Odegaard, the following amendment to the committee amendment to the title was adopted:

On line 25 of the Senate committee amendment to the title by Committee on Judiciary after "9.46.210;" strike the remainder of the amendment.

The motion by Senator Francis carried and the committee amendment to the title, as amended, was adopted.

MOTION

On motion of Senator Lewis (R. H. "Bob"), Senator Newschwander was excused.

On motion of Senator Francis, the rules were suspended. Engrossed Substitute 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.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 212, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 32; nays, 10; absent or not voting, 2; excused, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bottiger, Buffington, Clarke, Day, Fleming, Francis, Grant, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Mardesich, Matson, Morrison, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott, Selar, Stortini, Van Hollebeke, Walgren, Wanamaker, Wilson, Woody—32.

Voting nay: Senators Bluechel, Cunningham, Gould, Guess, Lewis (R. H. "Bob"), Marsh, McDermott, North, Pullen, Washington—10.

Absent or not voting: Senators Donohue, Talley—2.

Excused: Senators Goltz, Keefe, Murray, Newschwander, von Reichbauer—5.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 212, as amended by the Senate, having received the constitution majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Mardesich, the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

May 21, 1975.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 32, except the following amendments:

On page 1, line 6 of the title, strike "; and declaring an emergency"

On page 4, line 8, after "*dollars*" and before "*an*" insert "*and ten cents*"

On page 4, line 15 of the engrossed substitute bill, after "*dollars*" and before "*an*" insert "*and ten cents*"

On page 6, line 26, after "consumption" insert ": PROVIDED FURTHER, That this section shall not apply in the event that a federal law exists which regulates the work hours or work week of an industry, business or any employee or group of employees"

On page 6, beginning on line 27, strike section 4, and asks the Senate to recede therefrom, and said bill, together with the Senate amendments thereto, are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Ridder, the Senate refused to recede from the Senate amendments to Engrossed Substitute House Bill No. 32, 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. 32 and the Senate amendments thereto: Senators Ridder, Morrison and Wilson.

MOTION

On motion of Senator Mardesich, the Conference Committee appointments were confirmed.

MOTION

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

POINT OF INQUIRY

Senator Lewis (Harry): "Would Senator Mardesich yield? Senator Mardesich, we had a resolution that we thought might bring to the attention of the House some urgency that we were concerned about. You passed the fifth order of business. What I am concerned about is a cutoff resolution which we adopted here in the Senate which the House failed to look at, and I have been over there and have just been unable to get any action out of the House on cutoffs. I thought that maybe the way to go would be to send them another message as the Senate sent a few days ago, and procedurally we dropped another cutoff resolution in yesterday. It does not seem to make much impact but I think the Senate is trying to get its work accomplished and I just was wondering procedurally, do you want to handle this resolution now or what is your pleasure?"

Senator Mardesich: "Senator Lewis, I would suggest that Senate Concurrent Resolution No. 58, I believe it is, to which you refer, hold its place on the introduction and first reading calendar for tomorrow."

MOTION

On motion of Senator Mardesich, the Notice of Reconsideration on Engrossed Senate Bill No. 2410 was ordered held for Friday, May 23, 1975.

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

REPORTS OF STANDING COMMITTEES

May 20, 1975.

HOUSE BILL NO. 114, removing mandatory tuberculosis expenditure requirements (reported by Committee on Social and Health Services).

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; von Reichbauer, Vice Chairman; Cunningham, Gould, Herr, McDermott, North, Pullen.

Passed to Committee on Rules for second reading.

May 21, 1975.

ENGROSSED HOUSE BILL NO. 436, prescribing changes in unemployment compensation laws (reported by Committee on Labor):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Ridder, Chairman; Bailey, Grant, Matson, Morrison, Sellar.

Passed to Committee on Rules for second reading.

May 20, 1975.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 591, authorizing state funding for international trade fairs (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended by Committee on Commerce and Committee on Ways and Means.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson, Second Vice Chairman; Bailey, Clarke, Fleming, Jones, Marsh, Newschwander, Rasmussen, Sandison, Scott, Washington.

Passed to Committee on Rules for second reading.

PERSONAL PRIVILEGE

Senator Marsh: "Mr. President and ladies and gentlemen of the Senate, yesterday I was asked the source of funds for administrative costs of the various pension systems. As I recall I replied that I believed they came from contributions and earnings from contributions. Since that time I have asked Senate Ways and Means staff to check the accuracy of that reply and I have been informed that there is some general fund money used in some of the systems. I have a breakdown of where the administrative cost comes from that has been provided to me by the Senate Ways and Means staff and, for the record, I would like to read that at this time.

"PERS: Employee pays \$2.50 per year.

Employer currently pays 0.0005% (1/20th of 1%) of salary monthly
— on 1 July 1975, to be 0.0015% (3/20th of 1%).

TRS: 50% from retirement fund—50% from general fund.

JRS: Totally from general fund.

LEOFF: \$2.50 per year from employee
(0.003% (3/10th of 1%) of salary monthly by employer.

WSPRS: Totally from patrol's operating budget.

"Thank you."

MOTION

At 4:58 p.m., on motion of Senator Mardesich, the Senate adjourned until 11:00 a.m., Friday, May 23, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

SEVENTY-FIRST DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, May 23, 1975.

The Senate was called to order at 11:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bottiger, Francis, Goltz, Mardesich, Matson, Murray and von Reichbauer. On motion of Senator Knoblauch, Senators Francis, Goltz and von Reichbauer were excused. On motion of Senator Lewis (R. H. "Bob"), Senators Matson and Murray were excused.

The Color Guard, consisting of Pages Rosalie Altman and Mike Borrows, presented the Colors. Father William Treacy, pastor of St. Michael's Church of Olympia, offered the following prayer:

"I GET SO TIRED, GOD. SOMETIMES I JUST WANT TO GIVE UP, GO OFF SOMEPLACE AND HIDE. I GET SO TIRED. I DON'T WANT TO TRY ANY MORE. WHERE CAN I FIND THE COURAGE AND STRENGTH TO GO ON? THE IDEA THAT THINGS WILL GET BETTER ISN'T ENOUGH. THE THOUGHT THAT ADVERSITY BUILDS CHARACTER DOESN'T CONVINCE ME. THE ONLY THING THAT GIVES ME HOPE IS MY TRUST IN YOU. IN THE SIMPLE YET AMAZING TRUTH — YOU LOVE ME. HELP ME TO REMEMBER IT THIS DAY AND EVERY DAY. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEES

May 22, 1975.

SENATE JOINT RESOLUTION NO. 132, amending the Constitution to limit excess property tax levies for school support and authorizing a state income tax for school support (reported by Committee on Ways and Means):

MAJORITY recommendation: That Senate Joint Resolution No. 132 be substituted therefor, and the Substitute Senate Joint Resolution do pass.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Bailey, Fleming, Lewis (Harry), Mardesich, Marsh, Sandison, Scott, Woody.

Passed to Committee on Rules for second reading.

May 22, 1975.

SUBSTITUTE HOUSE BILL NO. 552, delaying construction of new marine oil transfer facilities until June 30, 1976 (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Walgren, Chairman; Henry, Vice Chairman; Beck, Benitz, Bottiger, Guess, Jolly, Knoblauch, Lewis (R. H. "Bob"), Morrison, Peterson, Wana-maker.

Passed to Committee on Rules for second reading.

May 22, 1975.

ENGROSSED HOUSE BILL NO. 1035, removing non-application of environmental impact report to thermal plant sites (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Walgren, Chairman; Henry, Vice Chairman; Beck, Benitz, Bluechel, Bottiger, Guess, Jolly, Knoblauch, Lewis (R. H. "Bob"), Morrison, Peterson, Wanamaker.

Passed to Committee on Rules for second reading.

May 22, 1975.

HOUSE CONCURRENT RESOLUTION NO. 22, proposing coordinated traffic (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Walgren, Chairman; Henry, Vice Chairman; Beck, Benitz, Bluechel, Bottiger, Guess, Jolly, Knoblauch, Lewis (R. H. "Bob"), Morrison, Wanamaker.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE HOUSE

May 22, 1975.

Mr. President: The House has passed:

SUBSTITUTE SENATE BILL NO. 2123,

SUBSTITUTE SENATE BILL NO. 2966, and the same are herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

May 22, 1975.

Mr. President: The Speaker has signed: SUBSTITUTE HOUSE BILL NO. 29, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

May 22, 1975.

Mr. President: The House refuses to concur in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 206 and asks the Senate for a conference thereon, and the Speaker has appointed as the House conferees on Engrossed Substitute House Bill No. 206 and the Senate amendment thereto: Representatives Shinpoch, Bagnariol and Polk, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Donohue, the request of the House for a conference on Engrossed Substitute House Bill No. 206 and the Senate amendment thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 206 and the Senate amendment thereto: Senators Donohue, Newschwander and Odegaard.

MOTION

On motion of Senator Lewis (Harry), the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

May 22, 1975.

Mr. President: The House refuses to concur in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 972 and asks the Senate for a confer-

ence thereon, and the Speaker has appointed as the House conferees on Engrossed Substitute House Bill No. 972 and the Senate amendments thereto: Representatives Shinpoch, Bagnariol and Polk, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Donohue, the request of the House for a conference on Engrossed Substitute House Bill No. 972 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. 972 and the Senate amendments thereto: Senators Donohue, Newschwander and Odegaard.

MOTION

On motion of Senator Sandison, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

May 22, 1975.

Mr. President: The House refuses to concur in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1143 and asks the Senate for a conference thereon, and the Speaker has appointed as the House conferees on Engrossed Substitute House Bill No. 1143 and the Senate amendments thereto: Representatives Shinpoch, Bagnariol and Polk, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Donohue, the request of the House for a conference on Engrossed Substitute House Bill No. 1143 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. 1143 and the Senate amendments thereto: Senators Donohue, Newschwander and Odegaard.

MOTION

On motion of Senator Lewis (Harry), the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

May 22, 1975.

Mr. President: The House refuses to concur in the Senate amendments to SECOND SUBSTITUTE HOUSE BILL NO. 1146 and asks the Senate for a conference thereon, and the Speaker has appointed as the House conferees on Second Substitute House Bill No. 1146 and the Senate amendments thereto: Representatives Shinpoch, Barnariol and Polk, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Donohue, the request of the House for a conference on Second Substitute House Bill No. 1146 and the Senate amendments thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Second Substitute House Bill No. 1146 and the Senate amendments thereto: Senators Donohue, Newschwander and Odegard.

MOTION

On motion of Senator Lewis (Harry), the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

May 22, 1975.

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 2133 with the following amendment:

On page 3, line 28 of the printed substitute bill after "conduct" insert "or", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Rasmussen, the Senate concurred in the House amendment to Engrossed Senate Bill No. 2133.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2133, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; absent or not voting, 3; excused, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Gould, Grant, Guess, Henry, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, McDermott, Morrison, Newschwander, North, Odegard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson, Woody—41.

Absent or not voting: Senators Bottiger, Herr, Mardesich—3.

Excused: Senators Francis, Goltz, Matson, Murray, von Reichbauer—5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2133, 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 Walgren, the Senate advanced to the sixth order of business.

On motion of Senator Walgren, Engrossed House Bill No. 612 will be considered following Substitute House Bill No. 762.

SECOND READING

SENATE BILL NO. 2735 by Senator Day:

Revising laws relating to care of mentally or physically deficient persons.

REPORT OF STANDING COMMITTEE

April 17, 1975.

SENATE BILL NO. 2735, revising laws relating to care of mentally or physically deficient persons (reported by Committee on Social and Health Services).

MAJORITY recommendation: Do pass with the following amendments:

On page 3, line 11, after "homes" and before the period insert ", but does not in-

clude placement in a state juvenile or adult correctional facility without consultation as provided for in section 6 of this 1975 amendatory act"

On page 4, line 23, strike subsection (4).

On page 7, line 32, after "other" strike "residential placement" and insert "state-operated facility"

On page 8, line 1, after "division,]" insert ", after consultation as provided for in section 6 of this 1975 amendatory act,"

Signed by: Senators Day, Chairman, Buffington, Cunningham, Francis, Goltz, Gould, North, Ridder, Van Hollebeke.

The bill was read the second time by sections.

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

MOTIONS

On motion of Senator Lewis (R. H. "Bob"), Senator Benitz was excused.

On motion of Senator Knoblauch, Senator Mardesich was excused.

On motion of Senator Day, the rules were suspended, Engrossed Senate Bill No. 2735 was advanced to third reading, the second 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. 2735 and the bill passed the Senate by the following vote: Yeas, 41; absent or not voting, 1; excused, 7.

Voting yea: Senators Bailey, Beck, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson, Woody—41.

Absent or not voting: Senator Rasmussen—1.

Excused: Senators Benitz, Francis, Goltz, Mardesich, Matson, Murray, von Reichbauer—7.

ENGROSSED SENATE BILL NO. 2735, having received the 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, Substitute House Bill No. 511 was ordered to hold its place on the second reading calendar for Monday, May 26, 1975.

On motion of Senator Pullen, Substitute House Bill No. 762 will be considered following House Bill No. 2.

SECOND READING

ENGROSSED HOUSE BILL NO. 612, by Representatives Gallagher, Deccio and Wojahn:

Revising laws relating to accountants.

REPORT OF STANDING COMMITTEE

May 13, 1975.

ENGROSSED HOUSE BILL NO. 612, revising laws relating to accountants (reported by Committee on Commerce):

MAJORITY recommendation: Do pass with the following amendment:

On page 4, beginning on line 11 of the engrossed bill, strike all of the material down to and including "chapter." on line 24, being page 4, line 11 of the printed bill,

after "amended." strike all of the material down to and including "chapter" on line 23 and the House Committee amendment on page 4, line 15 and insert "Such permits shall expire on the thirtieth day of June of each year. The annual fee for a permit to practice public accounting in this state shall be [twenty five dollars.] *in an amount determined by the board in accordance with this chapter.*"

Signed by: Senators Van Hollebeke, Chairman; Peterson, Ridder.

The bill was read the second time by sections.

Senator Van Hollebeke moved adoption of the committee amendment.

MOTION

On motion of Senator Lewis (Harry), Engrossed House Bill No. 612, together with the pending committee amendment, was ordered held on today's second reading calendar following Engrossed Substitute House Bill No. 1204.

MOTION

On motion of Senator Walgren, Engrossed House Bill No. 467 will be considered following Engrossed House Bill No. 612.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 378, by Committee on State Government (originally sponsored by Representatives Moon, Pardini, Jastad, May, Haussler, Thompson, Douthwaite, Paris and Ceccarelli):

Prescribing procedures for the collection, analysis, and reporting of statistical information on file by the state fire marshal.

The bill was read the second time by sections.

Senator Rasmussen moved adoption of the following amendment:

On page 2, line 9, insert the following:

"*NEW SECTION.* Sec. 2. There is added to chapter 79, Laws of 1947 and to chapter 48.48 RCW a new section to read as follows:

The insurance commissioner may designate trained employees of the department to be vested with the same powers as police officers generally to enforce and administer the provisions of this chapter and rules and regulations adopted thereunder. The commissioner shall also have authority to contract with other state and local governmental agencies for services and personnel reasonably necessary to carry out the enforcement provisions of this chapter.

In addition to his other powers and duties, the commissioner 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 chapter."

MOTION

On motion of Senator Guess, Engrossed Substitute House Bill No. 378, together with the pending amendment by Senator Rasmussen, was made a special order of business for 2:15 p.m. today.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 67, by Committee on Local Government (originally sponsored by Representative Nelson):

Providing for popular election of mayor in council-manager code cities.

REPORT OF STANDING COMMITTEE

April 28, 1975.

SUBSTITUTE HOUSE BILL NO. 67, providing for popular election of mayor in council-manager code cities (reported by Committee on Local Government):

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 16, before “,” strike “contested” and insert “on the ballot”

Signed by: Senators Fleming, Chairman; Jolly, Lewis, R. H. “Bob”, Sellar, Talley, Wilson.

The bill was read the second time by sections.

On motion of Senator Walgren, the committee amendment was adopted.

On motion of Senator Walgren, the rules were suspended, Substitute House Bill No. 67, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 67, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 38; nays, 3; absent or not voting, 2; excused, 6.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. “Bob”), Marsh, McDermott, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Stortini, Talley, Walgren, Wanamaker, Wilson, Woody—38.

Voting nay: Senators Sandison, Van Hollebeke, Washington—3.

Absent or not voting: Senators Morrison, Newschwander—2.

Excused: Senators Francis, Goltz, Mardesich, Matson, Murray, von Reichbauer—6.

SUBSTITUTE HOUSE BILL NO. 67, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2, by Representative Kilbury:

Decreasing the term length of mortgages or deeds on lease hold estates required for investments by insurance companies.

REPORT OF STANDING COMMITTEE

April 8, 1975.

HOUSE BILL NO. 2, decreasing the term length of mortgages or deeds on lease hold estates required for investments by insurance companies (reported by Committee on Financial Institutions):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 3, after “estates” insert “, *except agricultural leaseholds executed pursuant to RCW 79.01.096*”

On page 2, line 4, strike “[fifteen] five” and insert “fifteen”

On page 2, line 8, add new subsection (6) as follows:

“(6) *Evidences of debt secured by first mortgages or deeds of trust upon agricultural leasehold estates executed pursuant to RCW 79.01.096, otherwise unencumbered, and if the mortgagee is entitled to be subrogated to all the rights under the leasehold.*”

Signed by: Senators Woody, Chairman; Bluechel, Clarke, Jones.

The bill was read the second time by sections.

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

On motion of Senator Woody, the rules were suspended, House Bill No. 2, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; nays, 1; excused, 6.

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

Cunningham, Day, Donohue, Fleming, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson, Woody—42.

Voting nay: Senator McDermott—1.

Excused: Senators Francis, Goltz, Mardesich, Matson, Murray, von Reichbauer—6.

HOUSE BILL NO. 2, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 762, by Committee on Parks and Recreation (originally sponsored by Representatives North and Peterson):

Establishing winter recreational parking.

The bill was read the second time by sections.

Senator Pullen moved adoption of the following amendment:

On page 2, after line 24, add a new section to read as follows:

"NEW SECTION. Sec. 2. "Winter recreational parking area" as used in this 1975 act shall not include parking areas adjacent to the commercial ski areas of the state usually and customarily cleared prior to the effective date of this act."

Renumber the remaining sections accordingly.

Senator Clarke moved adoption of the following amendment to the amendment by Senator Pullen:

In the last line of the Pullen amendment, after "act" and before the period, insert "at highway department expense throughout the winter season".

POINT OF INQUIRY

Senator Guess: "Will Senator Clarke yield? Senator Clarke, the budget as proposed by the Highway Department this year is going to reduce the maintenance fund by something in the neighborhood of around ten million dollars and they will not in the future clear as many parking lots in the winter as they have in the past. Now will this language of yours in any way negate the intentions of the department not to do as much clearing?"

Senator Clarke: "I certainly would not intend to but this is the very problem that we are trying to get at, and I think it is quite difficult to express in adequate wording so you differentiate between these areas. How are you going to know in advance what these particular areas are that the Highway Department may decide that because of lack of funds that this particular year they are not going to clear out? See, that is the problem. What we want to do is to provide private funds so that they will clear those areas out. That is what the bill in its original concept would have accomplished, but I am afraid that, and if you will read carefully this Pullen amendment, would put these places you are talking about directly out of the bill. Maybe we should set it down if you have further questions and try to further clarify this problem."

Senator Guess: "Mr. President, I do have very grave consideration by this and I would like, before we put a floor amendment on it, to discuss this with the Highway Department people to make sure that we are not tying their hands and that the budget savings that we intend really do not take place."

MOTION

On motion of Senator Walgren, Substitute House Bill No. 762, together with the pending amendment by Senator Pullen and the amendment to the amendment by Senator Clarke, was placed on today's second reading calendar following consideration of Engrossed House Bill No. 774.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1204, by Committee on Agriculture (originally sponsored by Representatives Becker, Kilbury, Zimmerman and Tilly):

Relating to artificial honey products.

REPORT OF STANDING COMMITTEE

May 9, 1975.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1204, relating to artificial honey products (reported by Committee on Agriculture):

Recommendation: Do pass with the following amendments:

On page 2, line 12, of the engrossed bill, being line 5 of the House amendment, after "this" and before "is in" strike "1975 amendatory act" and insert "chapter, as now or hereafter amended,"

On page 2, line 14, of the engrossed bill, being line 7 of the House amendment, after "this" and before "is" strike "1975 amendatory act" and insert "chapter, as now or hereafter amended,"

On page 2, line 21, of the engrossed bill, being line 15 of the House amendment, after "this" and before "such embargo" strike "1975 amendatory act" and insert "chapter, as now or hereafter amended,"

On page 3, line 4, of the engrossed bill, being page 3, line 1, of the printed bill, after "this" and before "which pend" strike "1975 act" and insert "chapter, as now or hereafter amended,"

On page 3, line 11, of the engrossed bill, being page 3, line 8, of the printed bill, after "under this" strike "act" and insert "chapter, as now or hereafter amended,"

On page 3, line 19, of the engrossed bill, being page 3, line 16, of the printed bill, after "under this" and before "if the court" strike "act" and insert "chapter, as now or hereafter amended,"

Signed by: Senators Jolly, Chairman; Benitz, Day, Sellar, Wilson.

The bill was read the second time by sections.

On motion of Senator Jolly, the committee amendments were considered and adopted simultaneously.

On motion of Senator Jolly, the rules were suspended, Engrossed Substitute House Bill No. 1204, 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 Van Hollebeke: "Would Senator Jolly yield to a question please? Senator Jolly, I just got a chance to begin the first part of the bill here, but section 1 would appear to me as if somebody were going to sell some honey product with anything other than honey in it, they could not depict on the label a picture or drawing of a bee, beehive, or honeycomb. Now if I wanted to put some product out that was ninety-five percent honey and five percent kickapoo joy juice or something else in there and labeled it correctly, it looks like I might still not be able to have a picture of a bee or a beehive or a honeycomb and it looks like a little bit of overkill, if I am reading it right."

Senator Jolly: "This is correct, Senator Van Hollebeke. We intended it that way because if you give them an inch they will take a mile and we did not want any imitation honey product mixed in with pure honey."

Senator Van Hollebeke: "All right, if that is the intent you have answered my question. We do not do that in other products and I think it is carrying the thing too far and I am going to vote against the bill."

POINT OF INQUIRY

Senator Rasmussen: "Will Senator Jolly yield to a question? Senator Jolly, having the utmost confidence in the Agricultural Committee, I was not following the amendment very closely, and being all for the bees, but is section 4, page 2, is that still in the bill?"

Senator Jolly: "Yes."

Senator Rasmussen: "By your amendment, did you take out any part of line 25?"

Senator Jolly: "No."

Senator Rasmussen: "Then I want to ask you a question. Line 25, 'when the director has embargoed any honey or product,' what do you have in mind, that the director would embargo imitation honey?"

Senator Jolly: "This is right, yes. This is our intention if he embargoes imitation honey."

Senator Rasmussen: "On what basis . . ."

Senator Benitz: "Senator Rasmussen, perhaps I could help. That would only be if it is improperly marked. There is the product, a very, very good imitation of honey and they spell it 'honee' and it is a bit deceptive and other practices that could be used in the labeling. This section only gives the authority to the director to embargo that particular product and then with hearing procedures involved also."

Senator Rasmussen: "That is what raises a grave question in my mind. On this particular section he is not embargoing it because it is impure or because it is bad for your health. It might be a perfectly wholesome product and because the name does not lend itself to what he thinks it should be, now then he can embargo and they must go to court and prove that — they do not have to prove that it is good for you or it is bad for you, it is because they do not like the name now. That is kind of a peculiar thing to have in there. Now I can understand the purpose in showing this pure honey and when you go to the grocery store you want to buy pure honey, but I do not understand giving the director that authority and if that remains in the bill I would have to vote against it also."

Senator Day: "I believe, Senator Rasmussen, the purpose of that amendment is to give the department the power to stop something while they take a look at it, and the thing is that we had testimony that they could take corn syrup, add ten percent honey to it, and they would defy you when you tasted it to tell the difference between that and pure honey. Now there is some possible dietary overtones to the thing but the main thing and the main purpose is to establish that when you buy something that is marked, that it be marked properly and so the consumer knows, just as you stated, that the honey is pure honey, and I think that without giving the director that authority, why, he could say, 'There goes a product and I am not sure what it is', but he could stop it and check it if he thought that was necessary. I think that once we establish this act that there will be probably very, very rare instances when the department will have to do anything with it because once they understand what the demands of the statutes are, that is probably the way the operation will run."

POINT OF INQUIRY

Senator Guess: "Will Senator Benitz yield? Senator Benitz, you said that a company could not label their product as 'honee' and yet on line 24 it says that 'the mixture shall not be branded with the word 'honey' in any form other than as herein provided.' Now you cannot use the word 'honey' but why could you not use the word 'hon-ee'?"

Senator Benitz: "It is in any form. I think 'labeled with the word honey in any form, and 'honee' is honey in another form."

Senator Guess: "In other words, the purchaser is not going to be able to have identified to him the fact that this synthetic product flavors or in any way resembles honey. Is that right?"

Senator Benitz: "Not necessarily. It just has to say that it is imitation honey."

Senator Guess: "They cannot use the word 'honey' on the package so how are you going to say it is imitation honey?"

Senator Benitz: "If it is imitation, it does have to, and it is provided I believe in the last part of it, that if it has products other than honey, on section 2, page 2, the top of the page does give them how you shall use the word 'imitation' and explains it so that you cannot make it, for example, on a package four inches high as the word 'honey' and one inch high or less than that the other product so it is not deceptive."

Senator Guess: "All right, I will accept that. Now on line 25 it says, 'nor shall any

product in semblance of honey.' Can you describe to me what the words 'in semblance of honey' mean?"

Senator Benitz: "Page 2?"

Senator Guess: "No, page 1, line 25. Does that mean because it is thick it has got a semblance of honey?"

Senator Benitz: "No, this product that this bill is directed to is so near to honey that even some of the best testing devices have quite a time determining, and that is what the bill is directed, not just because it happened to be molasses and be thick. That would not apply."

Senator Guess: "You are prohibiting — 'if honey is one such ingredient it shall be stated in the size of type.' All right. Now, 'nor shall any product in semblance of honey, whether a mixture or not, be sold, exposed or offered for sale as honey.' Okay. All right. Just so we do not completely bar the use of the product."

Senator Benitz: "We are not barring the use of it. And if I may, Mr. President, one word further. As Senator Jolly has so well stated, the future of the bee industry is at stake here. The bee people are really having quite a time making it and the loss of the bee industry in the state of Washington, you would not notice it but if we lose the bee industry, not only all our fruit pollinization but many, many of our other vegetable crops, alfalfa seed and others, are directly tied to this. This is not a bill that will eliminate anyone. It will simply make them label it. It is a good consumer protection device as well as keeping agriculture with the bees around. I hope you will support it."

Debate ensued.

POINT OF INQUIRY

Senator Bluechel: "Would Senator Benitz yield to a question please? Senator Benitz, two questions. One, is 'honey' a trade name, a registered trade name of any particular product; and two, if it is, how will that product or how could that product be marketed in this state if this bill passed, and would it be prohibited?"

Senator Benitz: "The first question, I understand the word 'honey' is the registered trademark. That I would not verify without having actually inspected it myself; but your second question, this bill does not nor we cannot regulate interstate commerce in the state of Washington and that takes care of it if it is a registered trademark and is in interstate commerce."

Senator Bluechel: "Senator Benitz, what you are saying is, the product can be marketed in the state."

Senator Benitz: "If it meets the other criteria, correct."

MOTION

On motion of Senator Sandison, Engrossed Substitute House Bill No. 1204, as amended by the Senate, was ordered held on third reading immediately following the noon recess.

MOTION

At 12:30 p.m., on motion of Senator Walgren, 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 Knoblauch, Senator Herr was excused.

SIGNED BY THE PRESIDENT

The President signed:
SENATE BILL NO. 2416.

MOTION

On motion of Senator Rasmussen, Engrossed Substitute House Bill No. 1204, as

amended by the Senate, was ordered held on third reading following consideration of Engrossed House Bill No. 467.

SECOND READING

ENGROSSED HOUSE BILL NO. 612, by Representatives Gallagher, Deccio and Wojahn:

Revising laws relating to accountants.

The Senate resumed consideration of Engrossed House Bill No. 612 and the committee amendment that had been moved for adoption earlier today.

POINT OF INQUIRY

Senator Day: "Will Senator Van Hollebeke yield? Senator, it escapes me why they should set their own fees when we have just passed the fee bill through your committee which allows the Department of Motor Vehicles to set the fees from fifteen to thirty-five dollars in at least all the other professional areas, dependent on need."

Senator Van Hollebeke: "Senator Day, that ranged from fifty to two hundred in quite a few of the professions."

Senator Day: "I know, but I am just saying I do not understand. We have set the fees, the minimums and the maximums with latitude to be for the director and I am just wondering why we should allow this particular group's own board to set the fee."

Senator Van Hollebeke: "As a matter of fact, I had an amendment prepared and I thought it was in the hopper but apparently it is not, they are not out after high fees or anything and they do not mind some restriction but I would propose an amendment that would restrict them somewhat if we want to hold this bill."

MOTION

Senator Lewis (Harry) moved that Engrossed House Bill No. 612, together with the pending committee amendment, be held on the second reading calendar for Monday, May 26, 1975.

Debate ensued.

MOTION

Senator Van Hollebeke moved that Engrossed House Bill No. 612, together with the pending committee amendment, be considered following Engrossed Substitute House Bill No. 479.

Further debate ensued.

The motion by Senator Lewis (Harry) failed on a rising vote.

The motion by Senator Van Hollebeke carried and Engrossed House Bill No. 612, together with the pending committee amendment, will be considered following Engrossed Substitute House Bill No. 479 on today's second reading calendar.

SPECIAL ORDER OF BUSINESS

SECOND READING

ENGROSSED HOUSE BILL NO. 733, by Representatives Chatalas, Brown and Kalich:

Authorizing solid waste collection and processing by cities and towns.

The time having arrived, the Senate resumed consideration of Engrossed House Bill No. 733. On May 19, 1975, Senator Woody had moved adoption of two amendments to page 1, lines 17 and 29.

There being no objection, the amendments were withdrawn.

Senator Woody moved that the following amendments by Senators Woody and Fleming be considered and adopted simultaneously:

On page 1, line 17, after "town" and before the period insert "· PROVIDED FURTHER, That contracts relating to the processing and conversion of solid waste into other valuable and useful products and the sale thereof shall take place only after receipt

of competitive written offerings by such city or town subject to final approval by the legislative authority of such city or town; and be it further provided that after the award of such processing, conversion or sale contract all competitive offerings and other documentary material considered in connection therewith shall become matters of public record"

On page 1, line 29, after "town" and before the period insert ": PROVIDED FURTHER, That contracts relating to the processing and conversion of solid waste into other valuable and useful products and the sale thereof shall take place only after receipt of competitive written offerings by such city or town subject to final approval by the legislative authority of such city or town; and be it further provided that after the award of such processing, conversion or sale contract all competitive offerings and other documentary material considered in connection therewith shall become matters of public record"

POINT OF INQUIRY

Senator Guess: "Would Senator Woody yield? Senator Woody, on line 3 where it says, 'relating to the processing and conversion of solid waste into other valuable and useful products,' is not the word 'other' superfluous there and leads to an ambiguity? Would not the amendment be better off if the word 'other' was stricken?"

Senator Woody: "I would presume so because if you were converting solid waste into a valueless and useless product, why I am sure that we do not need much in the way of competitive offerings for that."

Senator Guess: "I know but if we strike the word 'other' and then it would read, 'processing and conversion of solid waste into valuable and useful products.'"

Senator Woody: "I would accede to your suggestion. Remember that we had a fellow attorney draft this and we sometimes use a lot of words."

On motion of Senator Guess, the following amendments by Senator Guess to the amendments by Senators Woody and Fleming were adopted:

Amend line 4 of the Woody/Fleming amendment to page 1, line 17, as follows: After "into" strike "other".

Amend line 4 of the Woody/Fleming amendment to page 1, line 29, as follows: On line 4, after "into" strike "other".

Debate ensued.

POINT OF INQUIRY

Senator Francis: "Would Senator Woody yield? Senator Woody, I have trouble following this and I should be looking at it in connection with the whole bill, but the way your amendment reads in both places, the one on line 15 and the one on line 29, it says, 'competitive written offerings by such city or town,' and I do not understand. Is the city or town making the offer? Does that mean receipt by the city or town of the competitive written offerings? I am wondering if maybe it might be a little plainer if you rearrange the words."

Senator Woody: "It is receipt by. I can see the ambiguity though. It is receipt by the city of competitive written offerings."

Senator Francis: "The written offerings then are not by the city? The city receives the written offerings?"

Senator Woody: "That is correct."

Further debate ensued.

There being no objection, the amendment by Senator Day to page 1, line 2 on the Secretary's desk, was withdrawn.

The motion by Senator Woody carried and the amendment, as amended, was adopted.

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

On page 1, line 17, after "town" and before the period insert ": PROVIDED, HOWEVER, That no such solid waste processing and conversion plant now in existence or hereafter constructed may be condemned"

On page 1, line 29, after "town" and before the period insert ": PROVIDED, HOWEVER, That no such solid waste processing and conversion plant now in existence or hereafter constructed may be condemned"

POINT OF INQUIRY

Senator Fleming: "Would Senator Washington yield to a question? Senator Washington, on this amendment I am inclined to agree with you and concur in your remarks, but did you also have an opportunity to confer with the proponents of the bill?"

Senator Washington: "Yes, Senator Fleming, I checked with Mr. Miller on this and he could see absolutely no objection because their plant is going to be done at public expense and they do not intend to condemn any existing or future plant for this purpose."

Senator Fleming: "Okay. Mr. President, I would like to join with Senator Washington and Senator Guess and others in supporting this amendment. It is going to make it a much more salable bill and we try to get at the job we are trying to do. I think we should adopt it."

The motion by Senator Washington carried and the amendments were adopted.

On motion of Senator Lewis (Harry), the following amendment was adopted:

On page 1, line 29, after the period add the following paragraph:

"Agreements relating to systems and plants for the processing and conversion of solid wastes to useful products and agreements relating to sale of such products shall be in compliance with RCW 35.21.120 and shall be entered into only after public advertisement and evaluation of competitive offerings."

MOTIONS

On motion of Senator Lewis (R. H. "Bob"), Senator Matson was excused.

On motion of Senator Talley, Senator Keefe was excused.

On motion of Senator Fleming, the rules were suspended, Engrossed House Bill No. 733, 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 Day: "Would Senator Fleming yield? Senator Fleming, is it your understanding now that by your amendment on the last page of this bill that the cities will not be relieved of the obligation of having the affirmation of the counties relative to the plans for solid waste disposal?"

Senator Fleming: "As you indicated when you withdrew your amendment, the committee itself adopted the amendment on page 2 and the reason we adopted that amendment, there was some concern that the cities would not, might not, adhere to the requirements of RCW 75.90 or whatever it was in relationship to the overall comprehensive plan of a county as it relates to solid waste. It is my understanding that the amendment we adopted would still require them, just sort of a reaffirmation of what the law is at this point in time."

Senator Day: "Thank you."

POINT OF INQUIRY

Senator Talley: "Would Senator Fleming yield? Now as I understand it from your conversation, the city of Seattle accepted with unbounded joy these amendments, right?"

Senator Fleming: "Senator Talley, you did get from my remarks earlier that the bill is in pretty good shape and I think that the bill will be able to do the job that the city of Seattle wanted to do."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 733, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson, Woody—44.

Excused: Senators Goltz, Keefe, Matson, Murray, von Reichbauer—5.

ENGROSSED HOUSE BILL NO. 733, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REMARKS BY SENATOR BAILEY

Senator Bailey: "Mr. President, I want to congratulate the Senate on passing the third bill on the calendar and passing up about four bills on the calendar in about five hours, and I just wanted to point out that our caucus yesterday determined that we would not meet tomorrow if we did a good day's work today and worked long enough to do a good day's work, but it looks like we are going to be meeting in the morning. I just wanted to point that out to you."

MOTION

On motion of Senator Woody, Engrossed Substitute House Bill No. 378 was ordered to hold its place on the second reading calendar for Monday, May 26, 1975.

SECOND READING

ENGROSSED HOUSE BILL NO. 467, by Representatives McKibbin, King, Seeburger, Brown, Bauer, Chandler, Moreau and Hawkins:

Regulating use of candidates' picture in political advertising.

The bill was read the second time by sections.

On motion of Senator Lewis (Harry), the following amendment was adopted:

On page 1, section 1, after line 23 add a new section to read as follows:

"Sec. 2. Section 29.85.280 of chapter 9, Laws of 1965 and RCW 29.85.280 are each amended to read as follows:

Any violation of RCW 29.85.270 shall constitute a gross misdemeanor and shall be subject to a fine of not more than one thousand dollars or imprisonment for not more than one year, or both: *PROVIDED, That a violation of the provisions of RCW 29.85.270 relating to campaign advertising pictures shall constitute a misdemeanor and be punished accordingly.*"

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

On page 1, beginning on line 19 of the engrossed bill, being line 6 of the House Amendment to page 1, line 17, strike "*of any other candidate picture*" and insert "*picture of the same candidate*"

On motion of Senator Lewis (Harry), the following amendment to the title was adopted:

On line 2 of the title after "RCW 29.85.270" and before the period insert: "; amending section 29.85.280 of chapter 9, Laws of 1965 and RCW 29.85.280; and prescribing penalties"

MOTIONS

On motion of Senator Lewis (R. H. "Bob"), Senator Guess was excused.

On motion of Senator Marsh, the rules were suspended, Engrossed House Bill No. 467, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Francis: "Will Senator Marsh yield? Senator Marsh, I do not understand the reason for this last part on lines 19 and 20 where it says that the candidate's picture shall be no smaller than the largest of any other candidate's picture used in the same ad. What is that all about?"

Senator Marsh: "Senator Francis, that has been amended now by the Wilson amendment, and the Wilson amendment says that it shall be no larger than the picture of the same candidate. In other words, if you had two pictures in your ad of yourself, your most recent picture cannot be miniscule and then your younger picture taken more than five years ago cannot be the dominant picture, the largest picture in the ad. The purpose is to require that if you are using a picture of yourself more than five years old and a more recent picture, that they be given equal play."

Debate ensued.

POINT OF INQUIRY

Senator Donohue: "Will Senator Francis yield? I was wondering if you were referring, Senator, to the possibility that someone who has lost his hair and had had one of these implants or something, and maybe he did look younger than he did five years ago, then all that work that he went to would be in vain if he had to pick up a bald headed picture to use. Is this what you are referring to?"

Senator Francis: "Senator Donohue, I did not have that in mind at all but it is an excellent example. I think a lot of people with toupees or hair implants look a lot better than they did a few years ago. I think what I am really saying is that when we have bills like this before us it shows that we have been here about four weeks too long. We should have adjourned and it is a real pity that we are wasting the taxpayers' money on this kind of item."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 467, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 34; nays, 8; absent or not voting, 1; excused, 6.

Voting yea: Senators Bailey, Beck, Bluechel, Bottiger, Fleming, Gould, Grant, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, McDermott, Morrison, Newschwander, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson, Woody—34.

Voting nay: Senators Benitz, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Peterson—8.

Absent or not voting: Senator Mardesich—1.

Excused: Senators Goltz, Guess, Keefe, Matson, Murray, von Reichbauer—6.

ENGROSSED HOUSE BILL NO. 467, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Sandison, Reengrossed House Bill No. 285 was ordered to hold its place on the second reading calendar for Monday, May 26, 1975.

On motion of Senator Jolly, Engrossed Substitute House Bill No. 1204 was ordered held on the third reading calendar for Monday, May 26, 1975.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 479, by Judiciary Committee (originally sponsored by Representatives Parker, Eikenberry, Charette, Douthwaite, Leckenby, North and Paris):

Relating to the qualifications of jurors.

The bill was read the second time by sections.

Senator Marsh moved adoption of the following amendment by Senators Marsh and Bottiger:

On page 1, line 19, after "degree" and before the period insert ": PROVIDED, However, that if there are any blind jurors on a jury panel, prior to impaneling the jury in any individual case, the trial court shall advise trial counsel of such fact and shall hold a pre-trial hearing to determine whether counsel are willing to try their cause with a jury having as one of its members a blind person. If counsel representing any one of the parties before the court in such a case at the pre-trial hearing objects to having the cause heard with a blind juror participating, the judge shall thereupon excuse all blind jurors from participation of such trial"

Debate ensued.

Senator Washington moved adoption of the following amendment to the amendment by Senators Marsh and Bottiger:

On line 6 of the amendment, after "whether" strike the balance of the amendment and insert "blind jurors should be excluded."

POINT OF INQUIRY

Senator Bottiger: "Would Senator Washington yield to a question? Senator Washington, simply stated, what your amendment would do would be to permit the attorneys involved to present their reasons to the judge why they would like to have that juror excluded and it leaves the final decision as to whether they have made a case for exclusion up to the judge."

Senator Washington: "Right."

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

Further debate ensued.

Senators Talley, Sandison and Jones demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be adoption of the amendment by Senators Marsh and Bottiger.

The motion by Senator Marsh carried and the amendment was adopted on a rising vote.

On motion of Senator Francis, the rules were suspended, Engrossed Substitute House Bill No. 479, 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 Francis: "Will Senator Marsh yield to a question? Senator Marsh, is there any case or statute authority that the word 'faculties' includes such sensory abilities as the ability to see?"

Senator Marsh: "I am not aware of any such case."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 479, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; nays, 2; excused, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblach, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Walgren, Wanamaker, Washington, Wilson, Woody—42.

Voting nay: Senators Francis, Van Hollebeke—2.

Excused: Senators Goltz, Keefe, Matson, Murray, von Reichbauer—5.

ENGROSSED SUBSTITUTE 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.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 2123,
SUBSTITUTE SENATE BILL NO. 2133,
SUBSTITUTE SENATE BILL NO. 2966.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 29.

MOTION

At 3:22 p.m., on motion of Senator Bailey, the Senate was declared to be at ease. The President called the Senate to order at 4:20 p.m.

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 2169,
SENATE BILL NO. 2395,
SUBSTITUTE SENATE BILL NO. 2519.

SECOND READING

ENGROSSED HOUSE BILL NO. 612, by Representatives Gallagher, Deccio and Wojahn:

Revising laws relating to accountants.

The Senate resumed consideration of Engrossed House Bill No. 612 and the following committee amendment moved for adoption earlier today:

On page 4, beginning on line 11 of the engrossed bill, strike all of the material down to and including "*chapter*." on line 24, being page 4, line 11 of the printed bill, after "amended." strike all of the material down to and including "chapter" on line 23 and the House Committee amendment on page 4, line 15 and insert "Such permits shall expire on the thirtieth day of June of each year. The annual fee for a permit to practice public accounting in this state shall be [twenty five dollars.] *in an amount determined by the board in accordance with this chapter.*"

On motion of Senator Van Hollebeke, the following amendment to the committee amendment was adopted:

Amend the Committee Amendment to page 4, line 11 as follows: After "*chapter*" on the last line of the amendment, insert "*not to exceed fifty dollars*"

Senator Lewis (Harry) moved adoption of the following amendment to the committee amendment:

On page 4, line 9 on the last line of the amendment after "*by*" and before "*the*" insert: "*the director of the department of motor vehicles after consultation with*"

Debate ensued.

POINT OF INQUIRY

Senator Cunningham: "Would Senator Woody yield to a question? Senator Woody, I am trying to see where it specifically gives the dollar amount. One of my con-

cerns is that both the new language in the bill and in the committee amendment states specifically, 'in the amount determined by the board.' "

Senator Woody: "I realize, in answer, that there are so few of us out here with these great series of amendments that the voices were not very loud but the Senate just adopted Senator Van Hollebeke's amendment to the committee amendment, and his amendment that has been adopted is the last one on the page of hand outs, and the addition that that amendment included was the words 'not to exceed fifty dollars' so you have that dollar amount which means any place from zero to fifty dollars."

Senator Cunningham: "Thank you."

Debate ensued.

POINT OF INQUIRY

Senator Newschwander: "I wonder if Senator Woody would yield to a question? I understand very thoroughly the arguments going on here and for years my profession and our minimum dues that we pay have been generating about twice the money needed to finance our board and our examinations. If this should fly, would you support my move a year from now to let my board set our dental examination and dental annual renewal of the dues we pay for a license in the state of Washington? You are setting a precedent here and I would love to sit down and vary our license renewal every year."

Senator Woody: "Senator Newschwander, I am not prepared to give you an answer to the quality of the examination that your board gives. Knowing many of the dentists in this state, I would say that the quality of the examination of the Dentistry Board is excellent, and if that is the case, then I would not alter that position. However, if you are taking the position that that examination is not so good, then perhaps I would support your position next year."

Senator Newschwander: "That is not what I said. I said that we have created a surplus year after year in the money that we pay into the state treasury, and so rather than be supporting many of the other professions I would like to come in and have my board set the annual license fee to relate to the money needed to support the work done."

Senator Woody: "I am not aware who sets yours. Is it the Department of Motor Vehicles?"

Senator Newschwander: "No, the legislature."

Senator Woody: "Then I would take the position that if all of these years you have been noticing an excess amount as a result of the amount that the legislature sets for your board, I would think that at the beginning of this session you should have filed a bill to lessen the fees for the dentists' examination."

The motion by Senator Lewis (Harry) failed and the amendment to the committee amendment was not adopted on a rising vote.

Senator Lewis (Harry) moved adoption of the following amendment:

On page 1, line 12 after the enacting clause insert a new section to read as follows:

"Section 1. Section 1, chapter 226, Laws of 1949 and RCW 18.04.020 are each amended to read as follows:

There is hereby created a board to be known as the board of accountancy of the state of Washington, hereinafter called the "board." The board shall consist of [five] *seven* members to be appointed by the governor, *two of whom shall be citizens of the United States residing in the state of Washington who are neither certified public accountants, licensed public accountants or engaged in the active practice as a public accountant,* and all the members of the first board shall be appointed within thirty days after the effective date of this chapter: *PROVIDED, That one of the citizen members first appointed to the board shall serve for two years, the other shall serve for three years, and at the expiration of the initial terms citizen members shall be appointed for a term of three years.*"

Renumber remaining sections accordingly.

POINT OF ORDER

Senator Van Hollebeke: "Mr. President, I raise the issue of scope and object. Further debate ensued.

MOTION

On motion of Senator Mardesich, Engrossed House Bill No. 612, together with the pending committee amendment, as amended, the amendment by Senator Lewis (Harry) and the Point of Order by Senator Van Hollebeke, was ordered placed at the end of to-day's second reading calendar.

MOTION

On motion of Senator Lewis (R. H. "Bob"), Senator Clarke was excused.

SECOND READING

HOUSE BILL NO. 752, by Representatives Clemente and Hendricks:

Reaffirming permissible expenses school districts may expend preliminary to finalizing of budgets.

The bill was read the second time by sections.

On motion of Senator Stortini, the rules were suspended, House Bill No. 752 was advanced to third reading, the second 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. 752, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Cunningham, Day, Donohue, Fleming, Francis, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson, Woody—44.

Excused: Senators Clarke, Goltz, Keefe, Murray, von Reichbauer—5.

HOUSE BILL NO. 752, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 788, by Committee on Social and Health Services (originally sponsored by Representatives Adams, Haley, Hanna, Becker, Newhouse, Hendricks, Tilly, Whiteside, Bauer, Jastad, May, Parker, Cochrane, Fischer, Paris and Greengo):

Prescribing changes in provisions relating to physicians and surgeons.

REPORT OF STANDING COMMITTEE

May 1, 1975.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 788, prescribing changes in provisions relating to physicians and surgeons (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass with the following amendments:

On page 5, line 28 of the engrossed bill, being page 5, line 30 of the printed bill, after "podiatry," insert "optometry,"

On page 6, line 15 of the engrossed bill, being page 6, line 8 of the printed bill, after "accredited" strike "by" and insert "in"

On page 9, line 7 of the engrossed bill, being page 9, line 9 of the printed bill, after "section." insert a new subsection as follows:

"(4) Nothing in this section shall be construed to authorize the board to approve a school of osteopathy, osteopathy and surgery or osteopathic medicine, for purposes of qualifying an applicant to be licensed under this chapter by direct licensure, reciprocity or otherwise."

On page 10, line 29 of the engrossed bill, being page 10, line 31 of the printed bill,

after "fee" strike everything down to and including ".085,]" on line 31 of the engrossed bill, being line 33 of the printed bill, and insert "[of not more than ten dollars to be determined by the director as provided in RCW 43.24.085,] *determined by the director as provided in RCW 43.24.085 as now or hereafter amended,*"

On page 12, line 27 of the engrossed bill, being page 12, line 29 of the printed bill, after "services" insert "." and strike the remainder of the sentence.

On page 14, line 28 of the engrossed bill, being page 14, line 30 of the printed bill, after "instrumentality" strike ": PROVIDED, That it shall not include the practice of chiropractic as defined in RCW 18.25.005"

On page 15, line 3 of the engrossed bill, being page 15, line 5 of the printed bill, after "license" and before the period insert: ": PROVIDED, HOWEVER, That a person licensed under this chapter shall not engage in the practice of chiropractic as defined in RCW 18.25.005"

On page 15, line 29 of the engrossed bill, being page 15, line 31 of the printed bill, before "it" insert "or renewal,"

On page 16, line 1 of the engrossed bill, being page 16, line 3 of the printed bill, insert a new section 18 as follows:

"*NEW SECTION.* Sec. 18. Members of the board shall be immune from suit in any other action, civil or criminal, based upon licensure proceedings or other official acts performed in good faith as members of the board."

Renumber the remaining sections consecutively.

Signed by: Senators Day, Chairman; Cunningham, Francis, Goltz, Gould, McDermott, North, Pullen, Ridder.

The bill was read the second time by sections.

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

POINT OF INQUIRY

Senator Odegaard: "Before we move to third reading, I wonder if I might be able to ask Senator Day a question? Senator Day, in our digest it says that it would increase the per diem for board members from twenty-five to fifty dollars. Is that correct?"

Senator Day: "That is correct."

Senator Odegaard: "Is there a good reason why we should be going beyond the usual forty dollar per diem with our other boards?"

Senator Day: "I think that this is the House version and we did not see fit to change that in view of the fact that the board does have to take quite a bit of its time in the preparation and giving of these exams, and we felt that in this particular instance that fifty dollars a day was reasonable. If you wish to offer a floor amendment, it has not been advanced. If you will look on page 3, line 22, Senator, you will see the deletion of twenty-five and the insertion of fifty."

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

On page 3, line 23 of the engrossed bill, being line 25 of the printed bill, strike "fifty" and insert "forty"

On motion of Senator Day, the rules were suspended, Engrossed Substitute House Bill No. 788, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 788, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Cunningham, Day, Donohue, Fleming, Francis, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson, Woody—44.

Excused: Senators Clarke, Goltz, Keefe, Murray, von Reichbauer—5.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 788, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1029, by Representatives Conner, Warnke, Eikenberry, Kalich, Wojahn and Gallagher:

Recognizing the Washington association of sheriffs and chiefs of police.

The bill was read the second time by sections.

On motion of Senator Fleming, the rules were suspended, Engrossed House Bill No. 1029 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: "Would Senator Fleming yield? Senator Fleming, does making this a statutory practical (sic), unit of local government put all the employees of this association under the state pension plan too?"

Senator Fleming: "From my knowledge, no, it does not."

Senator Mardesich: "Why wouldn't it, since the Association of Washington County employees are and the Association of Washington Cities?"

Senator Fleming: "First of all, from my understanding, this association would not be receiving any funds that are state funds to operate this and so forth, and so therefore I do not think so — you have done that on a lot of situations where it is statutorily, but it does not have anything to do with them being able to draw funds. Now I think under the original bill that they had drawn up that gave them the authority such as the Association of Washington Cities and others have, they would be able to do this, but under this one as the language is drawn up, they would not, from my understanding, nor is it the intention of that."

Further debate ensued.

MOTIONS

On motion of Senator Marsh, Engrossed House Bill No. 1029 was ordered placed on the third reading calendar following consideration of Substitute House Bill No. 762.

On motion of Senator North, Engrossed House Bill No. 49 was ordered to hold its place on the second reading calendar for Tuesday, May 27, 1975.

SECOND READING

ENGROSSED HOUSE BILL NO. 774, by Representative Warnke:
Regulating and licensing massage businesses.

REPORT OF STANDING COMMITTEE

May 15, 1975.

ENGROSSED HOUSE BILL NO. 774, regulating and licensing massage businesses (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Section 1. There is added to Title 18 RCW a new section to read as follows:

In this chapter, unless the context otherwise requires, the following meanings shall apply:

(1) "Board" means the state massage examining board;

(2) "Massage" means the treatment of the superficial parts of the body, with or

without the aid of soaps, oils, or lotions, by rubbing, touching, stroking, tapping, and kneading, provided no attempt be made to adjust or manipulate the articulations of the spine;

(3) "Massage operator" means a person engaged in the practice of massage;

(4) "Director" means the director of the department of motor vehicles.

NEW SECTION. Sec. 2. There is added to Title 18 RCW a new section to read as follows:

The state massage examining board is hereby created. The board shall consist of three members who shall be appointed by the governor for a term of three years each. Each member shall be a resident of this state and shall have not less than three years experience in the practice of massage immediately preceding their appointment and shall be actively engaged in the practice of massage during their incumbency. Within thirty days after the effective date of this 1975 act, three members shall be appointed by the governor to serve one, two, and three years respectively. In the event that a member cannot complete his term of office, another appointment shall be made by the governor in accordance with the procedures stated in this section to fill the remainder of the term. No member may serve more than two successive terms and shall qualify and receive a license pursuant to section 7 of this 1975 act within ninety days of their appointment.

Subject to the approval of the director, the board shall have the power to promulgate rules and regulations not inconsistent with the law and which may be necessary for the performance of its duties. It shall be the duty of the board to pass upon the qualifications of applicants for licenses, prepare the necessary examination questions and practical demonstrations, conduct examinations from time to time in such places as the director designates, and to determine the applicants who successfully passed the examination, and in turn notify the director of such determinations.

Each member of the board shall receive as compensation twenty-five dollars for each day's attendance at meetings of the board. Members shall be reimbursed for necessary traveling expenses incurred in the actual performance of their duties, as provided for state officials and employees generally in chapter 43.03 RCW.

NEW SECTION. Sec. 3. There is added to Title 18 RCW a new section to read as follows:

No person shall engage in, or hold themselves out as engaged in the practice of massage without a massage operator's license issued by the director.

NEW SECTION. Sec. 4. There is added to Title 18 RCW a new section to read as follows:

It shall be unlawful to advertise the practice of massage by a person not licensed by the director.

NEW SECTION. Sec. 5. There is added to Title 18 RCW a new section to read as follows:

This chapter does not apply to:

(1) An individual giving massage in their home to members of their immediate family;

(2) Persons licensed in this state to practice medicine, surgery, drugless therapy, cosmetology, barbering, physical therapy, osteopathy, osteopathy and surgery, chiropractic, podiatry, nursing, or persons working under prescription, supervision, or direction of any such person;

(3) Massage practiced at the athletic department of any institution maintained by the public funds of the state, or any of its political subdivisions;

(4) Massage practiced at the athletic department of any school or college accredited by the Northwest association of secondary and higher schools.

NEW SECTION. Sec. 6. There is added to Title 18 RCW a new section to read as follows:

All licenses issued under the provisions of this chapter, unless otherwise provided shall expire on the annual anniversary date of the individual's date of birth.

Failure to pay the annual license renewal fee by the dates specified above shall render the license invalid, but such license may 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.

The director shall prorate the licensing fee for massage operator based on one-twelfth of the annual license fee for each full calendar month between the issue date and the next anniversary of the applicant's birth date, a date used as the expiration date of such license.

Every applicant for a license shall pay an examination fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended, which fee shall accompany their application.

Applicants granted a license under this chapter shall pay to the director a license fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended, prior to the issuance of their license, and an annual renewal fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended.

NEW SECTION. Sec. 7. There is added to Title 18 RCW a new section to read as follows:

The director shall approve issuance of a massage operator license to any applicant who is eighteen years of age or over and who has furnished satisfactory proof of their good character and health and who also has passed a written or oral examination and/or practical demonstration, prepared and conducted by the board establishing their competency and ability to engage in the practice of massage. The examinations shall require the applicant to demonstrate a basic knowledge of anatomy, physiology, hygiene, first aid, and such other subjects as the examining board may determine: PROVIDED, That the applicant may, upon prior written request, have their written and oral portions of the examination given in the language of their choice.

NEW SECTION. Sec. 8. There is added to Title 18 RCW a new section to read as follows:

The director may deny issuance or renewal of any license authorized under this chapter, or suspend or revoke any such license, if the licensee:

(1) Has violated any provision of this chapter, or any rule or regulation of the director adopted pursuant to this chapter;

(2) Has made any false statement or representation to the director in order to induce or prevent action by the director;

(3) Has been convicted of a crime of lewdness or moral turpitude or a crime involving possession, use, or distribution of controlled substances, or has forfeited a bond to appear in court for any of the foregoing offenses.

NEW SECTION. Sec. 9. There is added to Title 18 RCW a new section to read as follows:

Any person who violates any of the provisions of this 1975 act, or the rules and regulations adopted pursuant thereto, shall be guilty of a gross misdemeanor.

NEW SECTION. Sec. 10. The provisions of this chapter relating to the licensing of any person shall not be exclusive, and any political subdivision of the state of Washington within whose jurisdiction and practice of massage is performed may require additional registrations or licenses, regulating the practice of massage or massage operators, and charge any fee for the same or similar purpose.

NEW SECTION. Sec. 11. If any provision of this 1975 act is declared unconstitutional or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of this 1975 act and the applicability thereof to other persons and circumstances shall not be affected thereby.

NEW SECTION. Sec. 12. Sections 1 through 10 of this act shall constitute a new chapter in Title 18 RCW."

Signed by: Senators Day, Chairman; von Reichbauer, Vice Chairman; Buffington, Cunningham, Goltz, Gould, Herr, North, Pullen, Ridder.

The bill was read the second time by sections.

Senator Day moved adoption of the committee amendment.

POINT OF INQUIRY

Senator Talley: "Will Senator Day yield? Are you inferring that some of the pre-

sent masseurs do not have a basic education?"

Senator Day: "I am saying maybe not in the practice of massage, Senator."
Debate ensued.

POINT OF INQUIRY

Senator Mardesich: "Would Senator Day yield? Senator Day, I am sorry that I was distracted during the earlier discussion of this bill. What is the necessity of this measure? What does it seek to do or control that will not be gotten around?"

Senator Day: "I did in my talk say that I did not think we could regulate some things, but what this bill will do is regulate the practice of a massage operator so that the people who are legitimately in the massage business can say that they are a legitimate massage operator from so advertising himself or her advertising in that particular direction, and that is all it will accomplish. As far as abrogating any existing regulation on a local level, it does not do that, but it is a clean bill and we passed it through the Senate twice before and I think what it does is to allow Mr. Dunbar, who has undoubtedly called you many times as he has me and some of the others, who have tried to have a legitimate practice of massage to carry on such a practice and keep their own house clean, so to speak. That is all."

POINT OF INQUIRY

Senator Wilson: "Will Senator Day yield? Under terms of this amendment, could the new board that is going to be formed require persons who are presently operating existing and legitimate businesses, require them to take an examination of some kind in order to become licensed?"

Senator Day: "Yes, there is a grandfather clause in here, or grandmother clause, regardless of which way you look at it.

"In Section 7 it says 'The director shall approve issuance of an operator's license. Anyone with good character and passed the written or oral and/or practical demonstration prepared and conducted by the board establishing their competency.' It says the subject, and we have made provision in here for some of the Korean people involved so the examination can be given in the language of their choice."

Senator Wilson: "Senator Day, if I may explain what I am getting at, I have heard from a fellow who has been in this business for many years back in my home district. He approves of some sort of a licensing procedure in order to protect legitimate practitioners in this art. Now he is well along in years. He has been doing this for many, many years, and his concern relates to any aspect of the bill that might require him and persons like him to take an examination which could get into a number of, well, to put it bluntly, into a number of medical aspects which he has long since forgotten. I can recall the same problem either previously existed or still does, I hope not, with respect to our out-of-state physicians and doctors trying to move into Washington and there was some kind of an exam that went back to what they had learned in college and things like that and they had just forgotten all about that sort of . . ."

Senator Day: "We have given the board enough flexibility here. We had a man there from the Seattle board — what they would first do is the Governor would appoint these people and they would license themselves and then they would proceed to provide the mechanism within this act so that they could license their people and it would not be done with any discrimination.

"Now the main purpose of this act is well known. What the purpose is is to try to clean up what has become pretty well understood as everything but massage in some of these areas of the state and this is requested by the legitimate masseurs. I believe that the bill is a good bill and I tried to convince them that it is not going to stop anything but by the same token, it is going to allow the legitimate masseurs such as the one you are talking about to hold themselves out to the public and the public to understand what they are and what they do, and that is the intent of the bill.

"Now as to the fiscal impact, it is my suggestion again there is not going to be any fiscal impact to this because the director has the power to set the license fees and set the examination fee to cover the fiscal impact, and in addition, the chairman of Ways and

Means properly has the pen up there so that he can give them the amount of money they are entitled to and no more."

POINT OF INQUIRY

Senator Newschwander: "Would Senator Day yield to a question? How many masseurs were you talking to?"

Senator Day: "I think we are probably talking about three or four hundred in the state, no more."

Senator Newschwander: "The thing that bothers me when you say there is no fiscal impact, because time and time again I have heard you say that, many times on this floor, that we should let the department set the license fees for other professions to help carry the load of those that do not have enough numbers, and so if he has three or four hundred, and say if they paid one hundred dollars a year which they are not going to do, that is only thirty or forty thousand dollars a year and it would look to me like you are going to look at some of the other professions where they might have to raise some of the fee to carry this group because Senator Donohue said that there could be as much as a one hundred and ninety thousand impact a year, and then you said no, the director will set the license fee, and you know very well that he is going to set this fee at about fifteen dollars and bring in five or six thousand dollars a year."

Senator Day: "But it leaves the prerogative of the application to both the examination fee and the license renewal fee to the director and in addition the legislature retains the prerogative of how much they appropriate for this. Now as far as I am concerned, you know, I am not asking the chairman of Ways and Means to appropriate a lot of money for this. There have been a number of people who have worked very hard trying to do something about this situation and we have made an attempt in the Social and Health Services Committee. I think this is a clean bill. It is not the intent of it to be a fiscal impact and I do not know what else I can say. I made the pitch and it is up to the Senate what they want to do."

Senator Newschwander: "Time and time again, though, we stand up here on this floor — fiscal impact — and so we put it off for a year and then the next year you come in, but what is going to happen here is that there is not going to be enough money to carry this commission or board or whatever it is and this licensing until such time as we do . . ."

Senator Day: "As far as the two professions are concerned, what you hear me say is that I did not think that barbers should pay nine dollars and physicians should pay seven and one-half and I should pay fifteen. I thought we should all in the professional realm, and barbers are plenty at nine-fifty, I think professions ought to be willing to pay twenty-five dollars and I stood here and said that. Now this gives latitude to the Department of Motor Vehicles. As far as I am concerned, it is up to you what you want to do with this. I know that poor old Mr. Dunbar has fought a long time and hard to try and get something to regulate these massage parlors and this is an opportunity and whether you want to do it is up to you. I am going to vote for the bill if I get a chance."

Senator Donohue: "Senator Day, the only thing I am concerned about now, I do not understand it either, because if you are saying that maybe twenty or twenty-five dollars would be an appropriate fee, if I understood you — how many people did you say might be involved with this? Did you say about three hundred?"

Senator Day: "I think it is four hundred."

Senator Donohue: "Okay, four hundred. If the fees are going to pay for it then that would mean that it would cost . . . — I am just trying to get this into perspective."

Senator Day: "Let me tell you . . ."

Senator Donohue: "You would have no objection, if the bill goes, let it go. If we do not appropriate more than that amount of money — do you have any indication what the fees might be from the Department of Motor Vehicles?"

Senator Day: "It is my understanding that the examination fee would be about fifty dollars but I am not certain of that, but I would tell you this, that in that fiscal note you have, and I remember the department up there, they were suggesting a couple of special investigators and a bunch of stuff which they do not have now, which is being done by

the cities, and I would suggest to you that that is a very rich plan that you have there from the Department of Motor Vehicles. I think that is where the problem is with the fiscal note."

Senator Donohue: "It is all right if we take care of the fiscal matters then at our discretion?"

Senator Day: "Absolutely."

Senator Donohue: "Thank you."

The motion by Senator Day carried and the committee amendment was adopted.

On motion of Senator Day, the rules were suspended, Engrossed House Bill No. 774, 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. 774, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 35; nays, 9; excused, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Cunningham, Day, Fleming, Francis, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, Morrison, Newschwander, North, Odegard, Peterson, Pullen, Ridder, Sandison, Scott, Talley, Van Hollebeke, Walgren, Wanamaker, Washington—35.

Voting nay: Senators Donohue, Mardesich, Matson, McDermott, Rasmussen, Selar, Stortini, Wilson, Woody—9.

Excused: Senators Clarke, Goltz, Keefe, Murray, von Reichbauer—5.

ENGROSSED HOUSE BILL NO. 774, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 762, by Committee on Parks and Recreation (originally sponsored by Representatives North and Peterson):

Establishing winter recreational parking.

The Senate resumed consideration of Substitute House Bill No. 762. Earlier today an amendment by Senator Pullen to page 1, line 24 and an amendment to the amendment by Senator Clarke had been moved for adoption.

There being no objection, the amendment by Senator Pullen was withdrawn.

Senator Pullen moved adoption of the following amendment:

On page 3, line 3, after "misdemeanor" insert "and subject to a fine of not less than twenty-five dollars or more than seventy-five dollars".

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Pullen yield to a question? Senator Pullen, you are making it now a mandatory twenty-five dollar fine?"

Senator Pullen: "A minimum of twenty-five and a maximum of seventy-five."

Senator Rasmussen: "Then there is a mandatory twenty-five where if it is just a misdemeanor they can set it at anything they want to. That is a pretty steep charge for a person probably inadvertently parking in the wrong area."

Senator Pullen: "The problem is, of course, that you have to have a penalty that will be sufficient to deter someone from cheating and it costs five dollars for the permit and it would seem to me that with the amount of enforcement that they will have it is very likely you could probably park there a few times without being ticketed and so a twenty-five dollar fine would probably be a reasonable fine to have some deterrent effect on those who would cheat. I would point out that along Interstate 90 right now if you park illegally, they tow you to Snoqualmie Pass and by the time you have paid the ticket plus the towing charges, the bill comes to about fifty dollars anyway, so I think this is pretty much in line with what the reasonable penalty should be."

Senator Rasmussen: "Thank you."

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

MOTIONS

On motion of Senator Lewis (R. H. "Bob"), Senator Guess was excused.

On motion of Senator Knoblauch 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.

POINT OF INQUIRY

Senator Benitz: "Would Senator Pullen yield to a question? Senator Pullen, will this bill if it becomes law in its present form eliminate existing free parking privileges in winter recreation areas, and will it force motorists to buy the five dollar parking permits in order to park legally?"

Senator Pullen: "For the record, I would like to answer no, that certainly is not the intent of the bill. The purpose of this bill is to try to insure adequate parking facilities near winter recreation areas. Now presumably the Department of Highways will continue to remove snow from areas that the department has customarily cleared in the past, thereby continuing to allow free parking in certain areas. However, if the department were to face a budget crisis in the future and could no longer afford to remove snow from those areas, then perhaps the gap could be filled by the winter recreational parking area places that would be authorized in this bill."

POINT OF INQUIRY

Senator Wilson: "Would Senator Pullen yield? It is my understanding that the activities authorized in this bill will be financed entirely by user fees?"

Senator Pullen: "That is absolutely correct."

POINT OF INQUIRY

Senator Talley: "Will Senator Pullen yield? You know as well as I do the Highway Department objects strenuously to have to plow out these parking areas now. Is this just going to be an out for them so they will not have to go in and do it and they will go into private parking altogether then?"

Senator Pullen: "The conversations that I had this afternoon indicated that that would not be the case. However, we do recognize that the department could face a budget pinch in the future and it would like to have the option to utilize its funds for clearing away snow in the most suitable manner possible, and we cannot predict exactly what the situation will be in the future with regard to that budget. I would like to make clear that there is no deep dark conspiracy between the Department of Highways and the Parks and Recreation Commission in this matter and I think we just have to have a little bit of trust when it comes to these groups."

Senator Talley: "Senator Pullen, I do not think there is any deep dark conspiracy at all. I think it is just complete conspiracy. The Highway Department will just not plow if they do not have to, and now I call up at least once every winter and ask them if they are going to be able to do it and they will do it after we request it most of the time. They do not want this job. They do not have the equipment to do it with and they would be tickled to death to be unloaded from it and I think that is what they are trying to do, and the average person will not have any place to park unless he pays an exorbitant fee."

POINT OF INQUIRY

Senator Talley: "Senator Pullen, would you yield to one more question? Would you object to an amendment saying that the operator of these parking lots must keep the free areas plowed?"

Senator Pullen: "I am not exactly sure I understand your question. What parking lots are you referring to?"

Senator Talley: "The ones that are there now and have parking free and for this privilege that they have to keep the free areas plowed too."

Senator Pullen: "Of course, some of the plowing is done by the private property

owners and I do not think we can dictate to them and I think it would be rather difficult for us to try to dictate to the Highway Department."

Senator Talley: "You are giving the franchise to the other ones. I don't know why they should not do a little bit for the franchise."

Senator Knoblauch: "The material I have from the Parks and Recreation Commission, after meeting with the Department of Highways, says the bill does not conflict with already established commercial ski areas. They are planning to establish three new areas on I-90 near Snoqualmie, seven areas on US 10 near Stevens Pass and one area for White Pass, so the areas that are free now will stay free. These are new areas that they are going to establish."

Further 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, 28; nays, 11; absent or not voting, 4; excused, 6.

Voting yea: Senators Bailey, Benitz, Bluechel, Day, Francis, Gould, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (R. H. "Bob"), Marsh, Matson, McDermott, Morrison, Newschwander, North, Pullen, Ridder, Sandison, Scott, Sellar, Stortini, Van Hollebeke, Wanamaker, Washington, Woody—28.

Voting nay: Senators Beck, Bottiger, Buffington, Cunningham, Grant, Mardesich, Odegaard, Peterson, Talley, Walgren, Wilson—11.

Absent or not voting: Senators Donohue, Fleming, Lewis (Harry), Rasmussen—4.

Excused: Senators Clarke, Goltz, Guess, Keefe, Murray, von Reichbauer—6.

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.

THIRD READING

ENGROSSED HOUSE BILL NO. 1029, by Representatives Conner, Warnke, Eikenberry, Kalich, Wojahn and Gallagher:

Recognizing the Washington association of sheriffs and chiefs of police.

MOTIONS

On motion of Senator Marsh, the rules were suspended and Engrossed House Bill No. 1029 was returned to second reading.

Senator Marsh moved adoption of the following amendment:

On page 1, line 5, after "government" insert ": PROVIDED, That such association shall not be considered an "employer" within the meaning of RCW 41.26.030(2) or 41.40.010(4)".

POINT OF INQUIRY

Senator Talley: "Would Senator Marsh yield? Senator, in layman's language, what you are doing with this amendment is saying that the executive secretary or secretary cannot come under the pension system. In other words, you are barring them from possibly getting that double pension."

Senator Marsh: "That is correct."

Senator Woody moved adoption of the following amendment to the amendment by Senator Marsh:

After "41.40.010(4)" of the Marsh amendment, add the following: ": PROVIDED FURTHER, That no compensation received as an employee of the association shall be considered salary for purposes of the provisions of any retirement system created pursuant to the general laws of this state".

POINT OF INQUIRY

Senator Talley: "Would Senator Woody yield? Don't you think, Senator Woody, that the Marsh amendment already covers this?"

Senator Woody: "I really do. The only reason that I advanced mine at the same time was because we both had ours ready. I approached it from one side and he approached his from the other. Neither one of them would expand beyond what we are attempting to do here, but I really do, in looking at it, I think that if we had the Marsh amendment and not mine it would not make much difference."

The motion of Senator Woody carried and the amendment to the amendment was adopted.

The motion by Senator Marsh carried and the amendment, as amended, was adopted.

Senator Bluechel moved adoption of the following amendment:

On page 1, line 5, following the Marsh amendment, insert the following: "PROVIDED FURTHER, That such association shall not qualify for inclusion under the unallocated two mills of the property tax of any political subdivision: PROVIDED FURTHER, That the association shall not have the authority to assess any excess levy or bond measure".

POINT OF ORDER

Senator Walgren: "Mr. President, I raise the question of scope and object on this amendment."

RULING BY THE PRESIDENT

The President: "The President believes that this amendment merely states that the Washington Association of Sheriffs and Police Chiefs shall not have the taxing authority and therefore it does not necessarily change the scope and object of the bill. The previous amendment merely stated that the employees would not come under the retirement system. Therefore, the point is not well taken."

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

MOTIONS

On motion of Senator Jones, Senator Lewis (R. H. "Bob") was excused.

On motion of Senator Fleming the rules were suspended, Engrossed House Bill No. 1029, 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. 1029, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 30; nays, 11; absent or not voting, 1; excused, 7.

Voting yea: Senators Bailey, Beck, Bottiger, Buffington, Day, Donohue, Fleming, Francis, Grant, Henry, Herr, Jones, Knoblauch, Marsh, McDermott, Newschwander, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Sellar, Stortini, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson, Woody—30.

Voting nay: Senators Benitz, Bluechel, Cunningham, Gould, Jolly, Mardesich, Matson, Morrison, North, Pullen, Scott—11.

Absent or not voting: Senators Lewis (Harry)—1.

Excused: Senators Clarke, Goltz, Guess, Keefe, Lewis (R. H. "Bob"), Murray, von Reichbauer—7.

ENGROSSED HOUSE BILL NO. 1029, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 763, by Representatives Hayner and Knowles: Authorizing juvenile court and department of social and health services to retain jurisdiction over delinquent juvenile until age twenty-one.

The bill was read the second time by sections.

Senator Francis moved adoption of the following amendment by Senators Clarke and Francis:

On page 1, line 9, after the period, strike all the matter down through the period on line 17 and insert: "A delinquent juvenile shall be under the jurisdiction of the juvenile court or the authority of the department of social and health services beyond the child's eighteenth birthday only if the juvenile court has, prior to the juvenile's eighteenth birthday, found the juvenile to be delinquent and has extended the jurisdiction beyond the child's eighteenth birthday by written order setting forth its reasons therefor".

POINT OF INQUIRY

Senator Odegaard: "Would Senator Francis yield? Senator Francis, could a reason for this amendment be that you want to be sure that dependents would not be kept in an institution beyond age eighteen, and so that solely delinquents?"

Senator Francis: "That is part of the reason, as I recall. Senator Clarke outlined the reasons for me and that was one of the bases for it."

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

On motion of Senator Francis, the following amendment by Senators Clarke and Francis was adopted:

On page 1, line 19, strike "its".

On motion of Senator Francis, the rules were suspended, Engrossed House Bill No. 763, 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. 763, 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 Bailey, Beck, Bluechel, Bottiger, Buffington, Cunningham, Day, Donohue, Fleming, Francis, Gould, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson, Woody—41.

Absent or not voting: Senators Benitz, Grant—2.

Excused: Senators Clarke, Goltz, Guess, Keefe, Murray, von Reichbauer—6.

ENGROSSED HOUSE BILL NO. 763, 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 Lewis (R. H. "Bob"), Senator Pullen was excused.

SECOND READING

ENGROSSED HOUSE BILL NO. 595, by Representatives Gaspard, Pardini, Ceccarelli and Moon:

Prohibiting certain practices by camping clubs and prescribing penalties.

On motion of Senator Van Hollebeke, the rules were suspended, Engrossed House Bill No. 595 was advanced to third reading, the second 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. 595, and the bill passed the Senate by the following vote: Yeas, 37; absent or not voting, 5; excused, 7.

Voting yea: Senators Bailey, Beck, Bluechel, Bottiger, Buffington, Cunningham, Day, Donohue, Fleming, Francis, Henry, Herr, Jolly, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Newschwander, Odegard, Peterson, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson, Woody—37.

Absent or not voting: Senators Benitz, Gould, Grant, Jones, North—5.

Excused: Senators Clarke, Goltz, Guess, Keefe, Murray, Pullen, von Reichbauer—

7. ENGROSSED 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.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 664, by Committee on Transportation and Utilities (originally sponsored by Representatives Bauer, Sommers, Nelson, Douthwaite, Thompson, McCormick, Valle, McKibbin, Laughlin and Zimmerman):

Establishing minimum thermal insulation standards.

REPORT OF STANDING COMMITTEE

May 9, 1975.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 664, establishing minimum thermal insulation standards (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 13 of the engrossed and printed bills, after "June 30," and before the period strike "1977" and insert "1976".

On page 2, line 24 of the engrossed and printed bills after "mechanically" and before "and" insert "or electrically".

Strike the House amendment on page 3, line 20 after "space" inserting ", double glazing with at least ¼" air space", being the material beginning on line 22 of the engrossed bill.

On page 5, line 11 of the printed and engrossed bills, after "0.10 8" and before "11" strike "0.07" and insert "0.08".

On line 35 of the engrossed bill, being line 2 of the House amendment to page 7, line 2, after "Sec. 12." and before "act" strike "This" and insert "The insulation requirements of this".

On page 8, line 14 of the engrossed bill, being line 5 of the House amendment to page 8, line 6, after "Standards," and before "Edition" strike "1973" and insert "1976".

On page 8 following line 16 of the engrossed bill, being line 7 of the printed bill, insert a new section to read as follows:

"NEW SECTION. Sec. 15. If any provision of this 1975 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected."

Renumber the remaining sections accordingly.

Signed by: Senators Walgren, Chairman; Henry, Vice Chairman; Beck, Jolly, Knoblauch, Peterson, Sellar, Talley, Wanamaker.

The bill was read the second time by sections.

On motion of Senator Walgren, the committee amendments to page 2, lines 13 and 24 were adopted.

On motion of Senator Bottiger, the remaining committee amendments were adopted.

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

On page 2, line 22, after "lodging houses," insert "housing units regulated pursuant to RCW 43.22.400,".

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

On page 2, line 11 of the engrossed and printed bills, strike "June 1, 1975" and insert "September 1, 1975".

On page 8, line 20, strike "June 1, 1975" and insert September 1, 1975".

On motion of Senator Rasmussen, the following amendment by Senator Guess was adopted:

On page 8, line 17 of the engrossed bill, being line 8 of the printed bill, strike all of section 16, being the old section 15.

On motion of Senator Rasmussen, the following amendment by Senator Guess to the title was adopted:

On page 1, line 4, of the title after "RCW" strike all the matter down to the period on line 5.

POINT OF INQUIRY

Senator Talley: "I wonder if Senator Bottiger would yield to a question? Will you define a modular home to me?"

Senator Bottiger: "There is a lot of prefab housing that is being built and if you will look at the RCW statute that I referred to, it pertains to mobile homes, modular homes, things of that nature, and it requires them to have the same insulation requirements as other houses do so that they suffer the same lack of heat loss."

Senator Talley: "In other words, it would affect a trailer house then?"

Senator Bottiger: "Oh, yes."

POINT OF INQUIRY

Senator Rasmussen: "Will Senator Walgren yield to a question? Senator Walgren, this went through your committee. What additional cost will this add to a home; is this being done at the present time by the home builders?"

Senator Walgren: "A fifteen hundred square foot house served by a representative PUD would use thirty-six thousand eight hundred and twenty-six watts in one year for heat if the house were not insulated. With the insulation proposed in the bill the same house would require eleven thousand five hundred twenty-one watts. In the first instance the heating bill would be four hundred and forty dollars. With the insulation the cost would be one hundred and thirty-eight dollars. Now obviously it is going to cost some additional initial cost when you are building the house but the amount saved by having the insulation would over the life of the entire house more than pay for it. Two years, it is pointed out in this article right here."

Senator Rasmussen: "Then, Senator Walgren, this is a bill against PUD's then. They will not sell so much electricity?"

Senator Walgren: "No, it is very similar, Senator Rasmussen, to a bill that we passed through here earlier with regards to life cycle analysis requirements for major public buildings, the idea being, of course, that we should begin to look very seriously about the cost of heating buildings that we construct, and this one of course goes to the private residences and insures that we bring about some energy savings."

Senator Rasmussen: "This only goes, I understand then, to those that use mechanical or electric heat, Senator Walgren?"

Senator Walgren: "Yes, that is correct."

Senator Rasmussen: "What do you class as a mechanical heat?"

Senator Walgren: "Heat pumps, oil furnaces, hot water furnaces, gas."

Senator Rasmussen: "If you burn wood in a wood stove or something like that, that is not mechanical?"

Senator Walgren: "I would not expect that to be mechanical."

Senator Rasmussen: "So these people would not have to have insulation then?"

Senator Walgren: "No."

Senator Rasmussen: "Thank you."

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Bluechel moved that the Senate im-

mediately reconsider the vote by which the amendment by Senator Bottiger to page 2, line 22 was adopted.

POINT OF ORDER

Senator Bottiger: "Mr. President, I believe there has been intervening business since the adoption of the amendment."

RULING BY THE PRESIDENT

The President: "Senator Bottiger, Engrossed Substitute House Bill No. 664 is still on second reading and Rule 31 states that motions to reconsider a vote upon amendments to any pending question may be made and decided at once, so the motion by Senator Bluechel is in order."

Debate ensued.

The motion by Senator Bluechel carried and the Senate moved to reconsider adoption of the amendment by Senator Bottiger.

The President declared the question before the Senate to be adoption of the following amendment by Senator Bottiger:

On page 2, line 22, after "lodging houses," insert "housing units regulated pursuant to RCW 43.22.400,".

POINT OF ORDER

Senator Mardesich: "I now raise the question of scope and object."

Debate ensued.

RULING BY THE PRESIDENT

The President: "Senator Mardesich, in regard to your point, the body has acted upon this particular amendment twice, therefore feels that your point that it changes the scope and object of the bill is untimely."

Senator Mardesich: "Merely a point I wanted to straighten out. It seems to me, however, that the measure is now back before us in its original position. That is the purpose of reconsideration and therefore the motion would be proper."

The President: "But the body decided when it adopted the measure that it was within the scope and object of the bill."

Senator Mardesich: "But now, having reconsidered, it is before us in its original position."

The President: "They have voted to reconsider the amendment, the adoption of the amendment. The President would suggest that the body either vote it up or vote it down."

Senator Mardesich: "I just wanted the points cleared away, Mr. President."

The President: "Thank you, Senator Mardesich."

Further debate ensued.

The President declared the question before the Senate to be adoption, on reconsideration, of the amendment by Senator Bottiger.

On reconsideration, the amendment by Senator Bottiger to page 2, line 22 was not adopted.

On motion of Senator Walgren, the rules were suspended, Engrossed Substitute House Bill No. 664, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 664, as amended by the Senate, and the bill failed to pass the Senate by the following vote: Yeas, 22; nays, 19; absent or not voting, 1; excused, 7.

Voting yea: Senators Bailey, Beck, Bluechel, Bottiger, Buffington, Day, Fleming, Francis, Gould, Grant, Henry, Knoblauch, McDermott, North, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Walgren, Washington—22.

Voting nay: Senators Benitz, Cunningham, Donohue, Herr, Jolly, Jones, Lewis

(Harry), Lewis (R. H. "Bob"), Marsh, Matson, Morrison, Newschwander, Odegaard, Peterson, Rasmussen, Van Hollebeke, Wanamaker, Wilson, Woody—19.

Absent or not voting: Senator Mardesich—1.

Excused: Senators Clarke, Goltz, Guess, Keefe, Murray, Pullen, von Reichbauer—

7.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 664, as amended by the Senate, having failed to receive the constitutional majority, was declared lost.

NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Marsh served notice that he would, on the next working day, move for reconsideration of the vote by which Engrossed Substitute House Bill No. 664, as amended by the Senate, failed.

PARLIAMENTARY INQUIRY

Senator Marsh: "Do we have to make the motion at this moment or can we do it at any time during this working day?"

REPLY BY THE PRESIDENT

The President: "Any time today, Senator. Rule 31 states, 'On and after the fiftieth day of the session the motion to reconsider shall only be in order on the same day upon which notice of reconsideration is given and may be made at any time that day.'"

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Lewis (R. H. "Bob") moved that the Senate immediately reconsider the vote by which Engrossed Substitute House Bill No. 664, as amended by the Senate, failed.

The motion for immediate reconsideration by Senator Lewis (R. H. "Bob") carried.

MOTIONS

On motion of Senator Knoblauch, Senator Jolly was excused.

On motion of Senator Marsh, the motion for reconsideration was ordered held for Monday, May 26, 1975.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 932, by Committee on Commerce (originally sponsored by Representatives Fortson and Berentson):

Providing assistance for commercial fishermen from impact of a recent court decision.

The bill was read the second time by sections.

Senator Rasmussen moved adoption of the following amendment by Senators Rasmussen and Newschwander:

On page 4, following line 35, insert the following sections:

"NEW SECTION. Sec. 10. There is added to chapter 75.12 RCW a new section to read as follows:

Any vessel licensed as a commercial troller may use either fixed or hand-held gear: PROVIDED, That vessels using hand-held gear must prominently display a permanently-affixed distinguishing marking in a form and manner determined by the director.

NEW SECTION. Sec. 11. There is added to chapter 75.12 RCW a new section to read as follows:

No commercially-licensed troll vessel shall be used for angling for personal use during the commercial troll salmon season coastal fishing areas nor in contiguous areas closed to commercial troll salmon fishing.

NEW SECTION. Sec. 12. Section 1, chapter 23, Laws of 1969 ex. sess. and RCW 75.12.650 are each hereby repealed."

Renumber the remaining sections accordingly.

POINT OF ORDER

Senator Talley: "Senator Rasmussen, this is a No-No. I raise the question of scope and object."

Debate ensued.

RULING BY THE PRESIDENT

The President: "The President, in ruling upon the point as presented by Senator Talley, the President finds that Substitute House Bill No. 932 is a measure authorizing limited purpose loans to commercial fisherman. The amendment proposed by Senator Rasmussen pertains to the use of certain gear on vessels and the method by which vessels using various types of gear are identified and also pertains to the prohibition of commercial troll vessels being used for personal use during the commercial troll season in certain areas. The President believes that the amendment does change the scope and object of the bill and the point as presented by Senator Talley is well taken."

The amendment by Senators Rasmussen and Newschwander was ruled out of order.

MOTIONS

On motion of Senator Lewis (R. H. "Bob"), Senator Buffington was excused.

On motion of Senator Peterson, the rules were suspended, Substitute House Bill No. 932 was advanced to third reading, the second reading considered 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. 932, and the bill passed the Senate by the following vote: Yeas, 39; absent or not voting, 1; excused, 9.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Cunningham, Day, Donohue, Fleming, Francis, Gould, Grant, Henry, Herr, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, Walgren, Washington, Wilson, Woody—39.

Absent or not voting: Senator Wanamaker—1.

Excused: Senators Buffington, Clarke, Goltz, Guess, Jolly, Keefe, Murray, Pullen, von Reichbauer—9.

SUBSTITUTE HOUSE BILL NO. 932, having received the constitutional majority, was declared passed. 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 Second Substitute House Bill No. 827 was ordered to hold its place on the second reading calendar for Monday, May 26, 1975.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 296, by Committee on Social and Health Services (originally sponsored by Representative Sommers (by Department of Social and Health Services request):

Increasing petty cash account limit.

The bill was read the second time by sections.

On motion of Senator Day, the rules were suspended, Substitute House Bill No. 296 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

*Debate ensued.

MOTION

Senator Newschwander moved that Substitute House Bill No. 296 be referred to the Committee on Ways and Means.

Debate ensued.

The motion by Senator Newschwander carried and Substitute House Bill No. 296 was referred to the Committee on Ways and Means.

SECOND READING

HOUSE BILL NO. 1031, by Representative Haussler:

Reducing number of district court judges in Lincoln county from two to one.

The bill was read the second time by sections.

On motion of Senator Wilson, the rules were suspended, House Bill No. 1031 was advanced to third reading, the second 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. 1031, and the bill passed the Senate by the following vote: Yeas, 40; excused, 9.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Cunningham, Day, Donohue, Fleming, Francis, Gould, Grant, Henry, Herr, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegard, Peterson, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson, Woody—40.

Excused: Senators Buffington, Clarke, Goltz, Guess, Jolly, Keefe, Murray, Pullen, von Reichbauer—9.

HOUSE BILL NO. 1031, having received the constitutional majority, 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. 265, by Representatives Warnke, Blair and Bagnariol (by OPP & FM request):

Consolidating the appropriation process for support of teachers' retirement benefits.

The bill was read the second time by sections.

On motion of Senator Donohue, the rules were suspended, Engrossed House Bill No. 265 was advanced to third reading, the second 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. 265, and the bill passed the Senate by the following vote: Yeas, 40; excused, 9.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Cunningham, Day, Donohue, Fleming, Francis, Gould, Grant, Henry, Herr, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegard, Peterson, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson, Woody—40.

Excused: Senators Buffington, Clarke, Goltz, Guess, Jolly, Keefe, Murray, Pullen, von Reichbauer—9.

ENGROSSED HOUSE BILL NO. 265, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 314, by Representatives Sommers, O'Brien and Leckenby (by State Treasurer request):

Providing for the transfer of funds from and the abolishment of the world fair bond redemption fund.

The bill was read the second time by sections.

On motion of Senator Rasmussen, the rules were suspended, House Bill No. 314 was advanced to third reading, the second 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. 314, and the bill passed the Senate by the following vote: Yeas, 38; absent or not voting, 2; excused, 9.

Voting yea: Senators Bailey, Beck, Bluechel, Bottiger, Cunningham, Day, Donohue, Fleming, Francis, Gould, Grant, Henry, Herr, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, Newschwander, North, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson, Woody—38.

Absent or not voting: Senators Benitz, McDermott—2.

Excused: Senators Buffington, Clarke, Goltz, Guess, Jolly, Keefe, Murray, Pullen, von Reichbauer—9.

HOUSE 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.

MOTION

On motion of Senator Mardesich, Engrossed House Bill No. 350 was ordered to hold its place on the second reading calendar for Monday, May 26, 1975.

SECOND READING

ENGROSSED HOUSE BILL NO. 105, by Representatives Shinpoch, Curtis, Bagariol, Polk, Flanagan and North (by Legislative Budget Committee request):

Transferring the state motor pool to the department of general administration.

REPORT OF STANDING COMMITTEE

May 6, 1975.

ENGROSSED HOUSE BILL NO. 105, transferring the state motor pool to the department of general administration (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendments by the Committee on State Government and the Committee on Ways and Means:

On page 4, line 17, after "of" and before "the commissioner" insert "the governor,"

On page 4, line 22, after "The" and before "commissioner" insert "governor, the"

On page 9, line 14, after "board," and before "a" insert "an elected state officer or his delegate or"

On page 1, line 26, after "and" strike the remainder of the sentence and insert "*the division of motor vehicle transportation service*".

On page 3, line 15, after "purposes" strike the material down through "receipts" on line 16.

On page 3, line 35, after "appropriated" strike "or otherwise provided".

On page 5, strike all of line 8 and insert "appointment of all personnel, except the supervisor, shall".

On page 9, strike all of Section 15, renumber the following sections consecutively, and correct internal references accordingly.

On page 11, after section 19, insert an additional section to read as follows:

"NEW SECTION. Sec. 20. (1) There is hereby appropriated to the department of general administration for the biennium ending June 30, 1975, the sum of \$17,266 from the motor transport account in the general fund for purposes of preparing to provide the motor vehicle transportation services authorized by this act.

(2) On the effective date of this act, the department of highways or its statutory successor shall transfer \$17,266 from the portion of the highway equipment fund known as "District No. 8 (motor pool)" to the motor transportation account in the general fund."

Renumber the following sections consecutively, and correct internal references accordingly.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson, Second Vice Chairman; Bailey, Clarke, Jones, Lewis (Harry), Marsh, Murray, Newschwander, Rasmussen, Sandison, Scott, Washington, Woody.

On motion of Senator Rasmussen, the committee amendments by the Committee on State Government to page 4, lines 17 and 22 and to page 9, line 14 were adopted.

On motion of Senator Scott, the committee amendments by the Committee on Ways and Means were adopted.

On motion of Senator Scott, the rules were suspended, Engrossed House Bill No. 105, 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. 105, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 40; excused, 9.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Cunningham, Day, Donohue, Fleming, Francis, Gould, Grant, Henry, Herr, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson, Woody—40.

Excused: Senators Buffington, Clarke, Goltz, Guess, Jolly, Keefe, Murray, Pullen, von Reichbauer—9.

ENGROSSED HOUSE BILL NO. 105, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 40, by Committee on Social and Health Services (by Committee on Social and Health Services (originally sponsored by Representatives Eng, Adams, Parker, Ceccarelli and Maxie) (by department of Social and Health Services request):

Providing for health maintenance organizations.

REPORT OF STANDING COMMITTEE

May 12, 1975.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 40, providing for health maintenance organizations (reported by Committee on Social and Health Services:

MAJORITY recommendation: Do pass with the following amendments:

On page 1, strike everything after the enacting clause and insert:

"NEW SECTION. Section 1. There is added to Title 48 RCW a new chapter to read as set forth in sections 2 through 19, 21 through 25 of this 1975 amendatory act.

NEW SECTION. Sec. 2. In affirmation of the declared principle that health care is a right of every citizen of the state, the legislature expresses its concern that the present high costs of health care in Washington may be preventing or inhibiting a large segment of the people from obtaining access to quality health care services.

The legislature declares that the establishment of qualified prepaid group and individual practice health care delivery systems should be encouraged in order to provide all citizens of the state with the freedom of choice between competitive, alternative health care delivery systems necessary to realize their right to health. It is the purpose and policy of this chapter to provide for the development and registration of prepaid group and individual practice health care plans as health maintenance organizations, which the legislature declares to be in the interest of the health, safety and welfare of the people.

NEW SECTION. Sec. 3. As used in this chapter, the terms defined in this section shall have the meanings indicated unless the context indicates otherwise.

(1) "Health maintenance organization" means any organization receiving a certificate of authority by the commissioner under this chapter which provides comprehensive health care services to enrolled participants of such organization on a group practice per capita prepayment basis or on a prepaid individual practice plan, either directly or through contractual or other arrangements with other institutions, entities, or persons, and which qualifies as a health maintenance organization pursuant to sections 4 and 5 of this 1975 amendatory act.

(2) "Comprehensive health care services" means basic consultative, diagnostic, and therapeutic services rendered by licensed health professionals together with emergency and preventive care, inpatient hospital, outpatient and physician care, at a minimum, and any additional health care services offered by the health maintenance organization.

(3) "Enrolled participant" means a person who or group of persons which has entered into a contractual arrangement or on whose behalf a contractual arrangement has been entered into with a health maintenance organization to receive health care services.

(4) "Health professionals" means practitioners who are licensed under the provisions of chapters 18.22, 18.25, 18.29, 18.32, 18.34, 18.53, 18.57, 18.57A, 18.64, 18.71, 18.71A, 18.74, 18.78, 18.83, or 18.88 RCW.

(5) "Health care service contractor" means any corporation, cooperative group, partnership, or association which is registered as a health care contractor pursuant to the provisions of chapter 48.44 RCW.

(6) "Health maintenance agreement" means an agreement for services between a health maintenance organization which is registered pursuant to the provisions of this chapter and enrolled participants of such organization which provides enrolled participants with comprehensive health services rendered to enrolled participants by health professionals, groups, facilities, and other personnel associated with the health maintenance organization.

(7) "Consumer" means any member, subscriber, enrollee, beneficiary, or other person entitled to health care services under terms of a health maintenance agreement, but not including health professionals, employees of health maintenance organizations, partners, or shareholders of stock corporations licensed as health maintenance organizations.

(8) "Meaningful role in policy making" means a procedure approved by the commissioner which provides consumers or elected representatives of consumers a means of submitting the views and recommendations of such consumers to the governing board of such organization coupled with reasonable assurance that the board will give regard to such views and recommendations.

(9) "Meaningful grievance procedure" means a procedure for investigation of consumer grievances in a timely manner aimed at mutual agreement for settlement according to procedures approved by the commissioner, and which may include arbitration procedures.

(10) "Provider" means any health professional, hospital, or other institution, organization, or person that furnishes any health care services and is licensed or otherwise authorized to furnish such services.

(11) "Department" means the state department of social and health services.

(12) "Commissioner" means the insurance commissioner.

(13) "Group practice" means a partnership, association, corporation, or other group of health professionals:

(a) The members of which may be individual health professionals, clinics, or both

individuals and clinics who engage in the coordinated practice of their profession; and

(b) The members of which are compensated by a prearranged salary, or by capitation payment or drawing account that is based on the number of enrolled participants.

(14) "Individual practice health care plan" means an association of health professionals in private practice who associate for the purpose of providing prepaid comprehensive health care services on a fee-for-service or capitation basis.

NEW SECTION. Sec. 4. Any corporation, cooperative group, partnership, individual, association, or groups of health professionals licensed by the state of Washington, public hospital district, or public institutions of higher education shall be entitled to a certificate of registration as a health maintenance organization if it:

(1) Provides comprehensive health care services to enrolled participants on a group practice per capita prepayment basis or on a prepaid individual practice plan and provides such health services either directly or through arrangements with institutions, entities, and persons which its enrolled population might reasonably require as determined by the health maintenance organization in order to be maintained in good health; and

(2) Otherwise meets the requirements of chapter 48.44 RCW: PROVIDED, That this requirement shall not apply to public institutions of higher education; and

(3) Is governed by a board elected by enrolled participants, or otherwise provides its enrolled participants with a meaningful role in policymaking procedures of such organization, as defined in sections 3(8), and 8 of this 1975 amendatory act; and

(4) Affords enrolled participants with a meaningful grievance procedure aimed at settlement of disputes between such persons and such health maintenance organization, as defined in sections 3(9) and 11 of this 1975 amendatory act; and

(5) Provides enrolled participants, or makes available for inspection at least annually, financial statements pertaining to health maintenance agreements, disclosing income and expenses, assets and liabilities, and the bases for proposed rate and adjustments for health maintenance agreements relating to its activity as a health maintenance organization; and

(6) Demonstrates to the satisfaction of the commissioner that its facilities and personnel are reasonably adequate to provide comprehensive health care services to enrolled participants and that it is financially capable of providing such members with, or has made adequate contractual arrangements through insurance or otherwise to provide such members with, such health services; and

(7) Substantially complies with administrative rules and regulations of the commissioner for purposes of this chapter; and

(8) Submits an application for a certificate of registration which shall be verified by an officer or authorized representative of the applicant, being in form as the commissioner prescribes, and setting forth:

(a) A copy of the basic organizational document, if any, of the applicant, such as the articles of incorporation, articles of association, partnership agreement, trust agreement, or other applicable documents, and all amendments thereto;

(b) A copy of the bylaws, rules and regulations, or similar documents, if any, which regulate the conduct of the internal affairs of the applicant, and all amendments thereto;

(c) A list of the names, addresses, members of the board of directors, board of trustees, executive committee, or other governing board or committee and the principal officers, partners, or members;

(d) A full and complete disclosure of any financial interests held by any officer, or director in any provider associated with the applicant or any provider of the applicant.

(e) A description of the health maintenance organization, its facilities and its personnel, and the applicant's most recent financial statement pertaining to prepaid health maintenance agreements, showing such organization's assets, liabilities, income, and other sources of financial support;

(f) A description of the geographic areas and the population groups to be served and the size and composition of the anticipated enrollee population;

(g) A copy of each type of health maintenance contract to be issued to enrolled participants;

(h) A schedule of all proposed rates of reimbursement to contracting health care facilities or providers, if any, and a schedule of the proposed charges for enrollee coverage for health care services, accompanied by data relevant to the formulation of such schedules;

(i) A description of the proposed method and schedule for soliciting enrollment in the applicant health maintenance organization and the basis of compensation for such solicitation services;

(j) A copy of the solicitation document to be distributed to all prospective enrolled participants in connection with any solicitation;

(k) A financial projection which sets forth the anticipated results during the initial two years of operation of such organization, if such organization has not operated previously as a health care contractor under chapter 48.44 RCW, accompanied by a summary of the assumptions and relevant data upon which the projection is based. The projection should include the projected expenses, enrollment trends, income, enrollee utilization patterns, and sources of working capital;

(l) A detailed description of the enrollee complaint system as provided by section 11 of this 1975 amendatory act;

(m) A detailed description of the procedures and programs to be implemented to assure that the health care services delivered to enrolled participants will be of professional quality; and

(n) Such other information as the commissioner shall require by rule or regulation which is reasonably necessary to carry out the provisions of this section.

A health maintenance organization shall, unless otherwise provided for in this chapter, file a notice describing any modification of any of the information required by subsection (8) of this section. Such notice shall be filed with the commissioner.

NEW SECTION. Sec. 5. After January 1, 1976, the commissioner shall issue a certificate of registration to the applicant within sixty days of such filing unless he notifies the applicant within such time that such application is not complete and the reasons therefor; or that he is not satisfied that:

(1) The basic organizational document of the applicant when combined with the powers enumerated in section 6 of this 1975 amendatory act permits the applicant to conduct business as a health maintenance organization;

(2) The organization has demonstrated the intent and ability to assure that comprehensive health care services will be provided in a manner to assure both their availability and accessibility;

(3) The organization is financially responsible and may be reasonably expected to meet its obligations to its enrolled participants. In making this determination, the commissioner shall consider among other relevant factors:

(a) Any agreements with an insurer, a medical or hospital service bureau, a government agency or any other organization paying or insuring payment for health care services;

(b) Any agreements with providers for the provision of health care services; and

(c) Any arrangements for liability and malpractice insurance coverage;

(4) The procedures for offering health care services and offering or terminating contracts with enrolled participants are reasonable and equitable in comparison with prevailing health insurance subscription practices and health maintenance organization enrollment procedures; and, that

(5) Procedures have been established to:

(a) Monitor the quality of care provided by such organization, including, as a minimum, procedures for internal peer review;

(b) Resolve complaints and grievances initiated by enrolled participants in accordance with sections 2(8) and 11 of this 1975 amendatory act;

(c) Offer enrolled participants an opportunity to participate in matters of policy and operation in accordance with sections 3(8) and 8 of this 1975 amendatory act.

No person to whom a certificate of registration has not been issued, except a health

maintenance organization certified by the secretary of the department of health, education and welfare, pursuant to Public Law 93-222 or its successor, shall use the words "health maintenance organization" or the initials "HMO" in its name, contracts, or literature: PROVIDED HOWEVER, That persons who are contracting with, operating in association with, recruiting enrolled participants for, or otherwise authorized by a health maintenance organization possessing a certificate of registration to act on its behalf may use the terms "health maintenance organization" or "HMO" for the limited purpose of denoting or explaining their relationship to such health maintenance organization.

The department of social and health services, at the request of the insurance commissioner, shall inspect and review the facilities of every applicant health maintenance organization to determine that such facilities are reasonably adequate to provide the health care services offered in their contracts. If the commissioner has information to indicate that such facilities fail to continue to be adequate to provide the health care services offered, the department of social and health services, upon request of the insurance commissioner, shall reinspect and review the facilities and report to the insurance commissioner as to their adequacy or inadequacy.

NEW SECTION. Sec. 6. The powers of a holder of a certificate of registration issued pursuant to section 5 of this 1975 amendatory act shall include, in addition to any other powers conferred by the law, those conferred on health care contractors pursuant to chapter 48.44 RCW. Nothing in this chapter shall be deemed to preclude a health maintenance organization from training or employing any health personnel.

NEW SECTION. Sec. 7. (1) All forms of health maintenance agreements issued by the organization to enrolled participants or other marketing documents purporting to describe the organization's comprehensive health care services shall comply with such minimum standards as the commissioner deems reasonable and necessary in order to carry out the purposes and provisions of this chapter, and which fully inform enrolled participants of the health care services to which they are entitled, including any limitations or exclusions thereof, and such other rights, responsibilities and duties required of the contracting health maintenance organization.

(2) No health maintenance organization authorized under this chapter shall cancel or fail to renew the enrollment on any basis of an enrolled participant or refuse to transfer an enrolled participant from a group to an individual basis for reasons relating solely to age, sex, race, or health status: PROVIDED HOWEVER, That nothing contained herein shall prevent cancellation of a contract with enrolled participants (a) who violate any published policies of the organization which have been approved by the commissioner, or (b) who are entitled to become eligible for medicare benefits and fail to enroll for a medicare supplement plan offered by the health maintenance organization and approved by the commissioner, or (c) for failure of such enrolled participant to pay the approved charge, including cost-sharing, required under such contract, or (d) for a material breach of the health maintenance agreement.

(3) No contract form or amendment to an approved contract form shall be used unless it is filed with the commissioner.

NEW SECTION. Sec. 8. (1) The members of the governing body of a health maintenance organization shall be nominated by the voting members or by the enrolled participants and providers, and shall be elected by the enrolled participants or voting members pursuant to the provisions of their bylaws, which shall not be restricted to providers. At least one-third of such body shall consist of consumers who are substantially representative of the enrolled population of such organization: PROVIDED, HOWEVER, That any panel medicine plan, qualified pursuant to chapter 41.05 RCW, and licensed as a health care contractor as of January 1, 1975, may have a governing body which shall be advised by an advisory board consisting of at least two-thirds consumers who are elected by the voting members or the enrolled participants and are substantially representative of the enrolled population.

(2) For health maintenance organizations formed by public institutions of higher education or public hospital districts, the governing body shall be advised by an advisory board consisting of at least two-thirds consumers who are elected by the voting

members or the enrolled participants and are substantially representative of the enrolled population.

NEW SECTION. Sec. 9. (1) Every health maintenance organization shall annually file with the commissioner a report, under oath, in accordance with the provisions of this chapter.

(2) Such annual report shall be in such form as the commissioner shall prescribe and shall include:

(a) A financial statement of such organization, including its balance sheet and receipts and disbursements for the preceding year, which reflects at a minimum,

(i) all prepayments and other payments received for health care services rendered pursuant to health maintenance agreements;

(ii) expenditures to all categories of health care facilities, providers, insurance companies, or hospital or medical service plan corporations with which such organization has contracted to fulfill obligations to enrolled participants arising out of its health maintenance contracts, together with all other direct expenses including depreciation, enrollment, and commission; and

(iii) expenditures for capital improvements, or additions thereto, including but not limited to construction, renovation, or purchase of facilities and capital equipment;

(b) The number of participants enrolled and terminated during the report period. Every employer offering health care benefits to their employees through a group contract with a health maintenance organization shall furnish said health maintenance organization with a list of their employees enrolled under such plan;

(c) A report of the names and addresses of all officers, directors, or trustees of the health maintenance organization during the preceding year, and the amount of wages, expense reimbursements, or other payments to such individuals for services to such organization. For partnership and professional service corporations, a report shall be made for partners or shareholders as to any compensation or expense reimbursement received by them for services, other than for services and expenses relating directly for patient care;

(d) Such other information relating to the performance of the health maintenance organization or the health care facilities or providers with which it has contracted as reasonably necessary to the proper and effective administration of this chapter, in accordance with rules and regulations; and

(e) Disclosure of any financial interests held by officers and directors in any providers associated with the health maintenance organization or any provider of the health maintenance organization.

NEW SECTION. Sec. 10. A health maintenance organization, and the health care facilities and providers with which such organization has entered into contracts to provide health care services to its enrolled participants, shall provide such services in a manner consistent with the dignity of each enrolled participant as a human being.

NEW SECTION. Sec. 11. A health maintenance organization shall establish and maintain a grievance procedure, approved by the commissioner, to provide reasonable and effective resolution of complaints initiated by enrolled participants concerning any matter relating to the interpretation of any provision of such enrolled participants' health maintenance contracts, including, but not limited to, claims regarding the scope of coverage for health care services; denials, cancellations, or nonrenewals of enrolled participants' coverage; and the quality of the health care services rendered, and which may include procedures for arbitration.

NEW SECTION. Sec. 12. (1) No health maintenance organization may refer to itself in its name or advertising with any of the words: "insurance", "casualty", "surety", "mutual", or any other words descriptive of the insurance, casualty, or surety business, or deceptively similar to the name or description of any insurance or surety corporation doing business in this state.

(2) No health maintenance organization, nor any health care facility or provider with which such organization has contracted to provide health care services, shall discriminate against any person from whom or on whose behalf, payment to meet the required charge is available, with regard to enrollment, disenrollment, or the provision of

health care services, on the basis of such person's race, color, sex, religion, place of residence if there is reasonable access to the facility of the health maintenance organization, socioeconomic status, or status as a recipient of medicare under Title XVIII of the Social Security Act, 42 U.S.C. section 1396, et seq.

(3) Where a health maintenance organization determines that an enrolled participant has received health care services to which such enrolled participant is not entitled under the terms of his health maintenance contract, neither such organization, nor any health care facility or provider with which such organization has contracted to provide health care services, shall have recourse against such enrolled participant for any amount above the actual cost of providing such service, if any, specified in such contract, unless the enrolled participant or a member of his family has given or withheld information to the health maintenance organization, the effect of which is to mislead or misinform the health maintenance organization as to the enrolled participant's right to receive such services.

NEW SECTION. Sec. 13. (1) The commissioner may make an examination of the operations of any health maintenance organization as often as he deems necessary in order to carry out the purposes of this chapter.

(2) Every health maintenance organization shall submit its books and records relating its operation for such examinations and in every way facilitate them. For the purpose of examinations, the commissioner may issue subpoenas, administer oaths, and examine the officers and agents of the health maintenance organization and the principals of such providers concerning their business.

NEW SECTION. Sec. 14. (1) The commissioner may, consistent with the provisions of the administrative procedure act, chapter 34.04 RCW, initiate proceedings to determine whether a health maintenance organization has:

- (a) Operated in a manner that materially violates its organizational documents;
- (b) Materially breached its obligation to furnish the health care services specified in its contracts with enrolled participants;
- (c) Violated any provision of this chapter, or any rules and regulations promulgated thereunder;
- (d) Made any false statement with respect to any report or statement required by this chapter or by the commissioner under this chapter;
- (e) Advertised or marketed, or attempted to market, its services in such a manner as to misrepresent its services or capacity for services, or engaged in deceptive, misleading, or unfair practices with respect to advertising or marketing;
- (f) Prevented the commissioner from the performance of any duty imposed by this chapter; or

- (g) Fraudulently procured or attempted to procure any benefit under this chapter.

(2) After providing written notice and an opportunity for a hearing to be scheduled no sooner than ten days following such notice, the commissioner shall make administrative findings and may, as appropriate:

- (a) Impose a penalty of not more than ten thousand dollars for each and every unlawful act committed which materially affects the health services offered or furnished;

- (b) Issue an administrative order requiring the health maintenance organization to:

- (i) Cease or modify inappropriate conduct or practices by it or any of the personnel employed or associated with it;

- (ii) Fulfill its contractual obligations;

- (iii) Provide a service which has been improperly denied;

- (iv) Take steps to provide or arrange for any service which it has agreed to make available; or

- (v) Abide by the terms of an arbitration proceeding, if any;

- (c) Suspend or revoke the certificate of authority of the health maintenance organization:

- (i) If its certificate of authority is suspended, the organization shall not, during the period of such suspension, enroll any additional participants except newborn children or other newly acquired dependents of existing enrolled participants, and shall not en-

gage in any advertising or solicitation whatsoever;

(ii) If its certificate of authority is revoked, the organization shall proceed under the supervision of the commissioner immediately following the effective date of the order of revocation to wind up its affairs, and shall conduct no further business except as may be essential to the orderly conclusion of such affairs: PROVIDED, That the commissioner may, by written order, permit such further operation of the organization as it may find to be in the best interest of enrolled participants, to the end that such enrolled participants will be afforded the greatest practical opportunity to obtain continuing health care coverage: PROVIDED, FURTHER, That if the organization is qualified to operate as a health care service contractor under chapter 48.44 RCW, it may continue to operate as such when it obtains the appropriate license.

(3) The commissioner may apply to any court for such legal or equitable relief as it deems necessary to effectively carry out the purposes of this chapter, including, but not limited to, an action in any court of competent jurisdiction to enjoin any such acts or practices and to enforce compliance with this chapter or any rule or order hereunder. Upon a proper showing a permanent or temporary injunction, restraining order, or writ of mandamus shall be granted and a receiver or conservator may be appointed for the defendant or the defendant's assets. The commissioner may not be required to post a bond.

NEW SECTION. Sec. 15. Every organization subject to this chapter shall pay to the commissioner the following fees:

(1) For filing a copy of its application for a certificate of registration or amendment thereto, one hundred dollars;

(2) For filing each annual report pursuant to section 9 of this 1975 amendatory act, ten dollars.

NEW SECTION. Sec. 16. (1) The department is hereby authorized to enter into contracts with health maintenance organizations to furnish, directly or through contractual arrangements with providers or other persons, medicaid services to eligible recipients of medical assistance under Title XIX of the Social Security Act, 42 U.S.C. section 1396, et seq.

(2) The department shall enter into negotiations with any health maintenance organization for the provision of the medical needs of such recipients on a group basis located within the appropriate defined service area of such health maintenance organization in order to realize the possibility of obtaining cost savings of public funds in the purchase of health care services for such recipients, based on differentials between the cost of such services when offered by health maintenance organizations and other providers: PROVIDED, That nothing herein shall require the department to enter into any contract: AND PROVIDED FURTHER, That no such recipient shall be obligated to receive any such medical care from any health maintenance organization under contract with the department.

NEW SECTION. Sec. 17. The commissioner shall report annually to the legislature regarding the effect of this chapter on the development and operation of health maintenance organizations, the effect of such development and operation on both enrolled participants and nonenrollees including participation in medicare, the extent to which the purposes and provisions of this chapter have been carried out, and the modifications in this chapter, if any, necessary to further the interests of the public.

NEW SECTION. Sec. 18. (1) Solicitation of enrolled participants by a health maintenance organization granted a certificate of registration, or its agents or representatives, shall not be construed to violate any provision of law relating to solicitation or advertising by health professionals.

(2) Any health maintenance organization authorized under this chapter shall not be deemed to be violating any law prohibiting the practice by unlicensed persons of podiatry, chiropractic, dental hygiene, opticianary, dentistry, optometry, osteopathy, pharmacy, medicine and surgery, physical therapy, nursing, psychology.

(3) Nothing contained in this chapter shall alter any statutory obligation, or rule or regulation promulgated thereunder, in chapter 70.38 or 70.39 RCW.

(4) Any health maintenance organization receiving a certificate of registration

pursuant to this chapter shall be exempt from the provisions of chapter 48.05 RCW, and shall not be required to register as a health care contractor under chapter 48.44 RCW but shall be subject to all other provisions of chapters 48.44 and 70.39 RCW.

NEW SECTION. Sec. 19. (1) The state government, or any political subdivision thereof, which offers its employees a health benefits plan shall make available to and inform its employees or members of the option to enroll in at least one health maintenance organization holding a valid certificate of authority which provides health care services in the geographic areas in which such employees or members reside.

(2) Each employer, public or private, having more than twenty-five employees in this state which offers its employees a health benefits plan, and each employee benefits fund in this state having more than twenty-five members which offers its members any form of health benefits, shall make available to and inform its employees or members of the option to enroll in at least one health maintenance organization holding a valid certificate of authority which provides health care services in the geographic areas in which a substantial number of such employees or members reside: **PROVIDED**, That where such employees are members of a bona fide bargaining unit covered by a labor-management collective bargaining agreement, the selection of the options required by this section may be specified in such agreement: **AND PROVIDED FURTHER**, That where such members are covered by a Taft-Hartley health care trust, the labor-management trustees are hereby empowered to select such options.

(3) Subsections (1) and (2) of this section shall impose no responsibilities or duties upon state government or any political subdivision thereof or any other employer, either public or private, to provide health maintenance organization coverage when no health maintenance organization exists for the purpose of providing health care services in the geographic areas in which the employees or members reside.

(4) No employer in this state shall be required to pay more for health benefits as a result of the application of this section than would otherwise be required by any prevailing collective bargaining agreement or other legally enforceable contract of obligation for the provision of health benefits between such employer and its employees.

(5) Any employee or member of an employee benefit fund, or any health maintenance organization holding a valid certificate of authority, aggrieved by the alleged failure of an employer or an employee benefits fund to comply with the requirements of this section, may bring an action against such alleged violator in the superior court of the county in which the employee or member resides or in which the health maintenance organization has any facility.

NEW SECTION. Sec. 20. There is added to chapter 41.04 RCW a new section to read as follows:

Any employee or retired employee of the state or its departments, agencies, or subdivisions and any employee or retired employee of a county, public or municipal corporation, school district, or tax supported institution may authorize the deduction from his salary or wages of the amount of his capitation payments to any health maintenance organization receiving a certificate of authority under this chapter. Upon the filing of an authorization with the auditor or fiscal officer of the employer, such auditor or fiscal officer shall make payments in favor of the health maintenance organizations referred to in the authorization for the amounts of the deductions authorized, RCW 41.04.230(7) notwithstanding.

NEW SECTION. Sec. 21. The commissioner may, in accordance with the provisions of the administrative procedure act, chapter 34.04 RCW, promulgate rules and regulations as necessary or proper to carry out the provisions of this chapter. Nothing in this chapter shall be construed to prohibit the commissioner from requiring changes in procedures previously approved by him.

NEW SECTION. Sec. 22. Nothing in this chapter shall prohibit any health maintenance organization from meeting the requirements of any federal law which would authorize such health maintenance organization to receive federal financial assistance or enroll beneficiaries assisted by federal funds.

NEW SECTION. Sec. 23. Any party aggrieved by a decision, order, or regulation

made under this chapter by the commissioner shall have the right to have such reviewed pursuant to the provisions of the administrative procedure act, chapter 34.04 RCW.

NEW SECTION. Sec. 24. It is intended that the provisions of this chapter shall be liberally construed to accomplish the purposes provided for and authorized herein.

NEW SECTION. Sec. 25. The legislature shall make a study of the appropriate financial security requirements, investment restrictions, bonding requirements, and the possibilities of providing arbitration proceedings as an acceptable grievance procedure for health maintenance organizations, and shall also study the establishment of a system for classifying contracts for health care coverage by health care maintenance organizations and all other health care contractors and insurers according to the benefits they offer and appropriate procedures for quality review.

In all such studies under this section, the legislature may be advised by a committee which shall be generally representative of health maintenance organizations, consumers, professional organizations representing health professionals, and a representative of the commissioner. The results of such studies shall be reported to the governor and to the legislature prior to the first session of the legislature after January 1, 1977.

NEW SECTION. Sec. 26. If any provision of this 1975 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 27. This 1975 amendatory act may be known and cited as "The Washington Health Maintenance Organization Act of 1975".

In the title, page 1, line 1, strike everything after "AN ACT" down to the period on line 6 and insert:

"Relating to licensing of health maintenance organizations; creating a new chapter in Title 48 RCW; adding a new section to chapter 41.04 RCW; and prescribing penalties"

Signed by: Senators Day, Chairman; von Reichbauer, Vice Chairman; Buffington, Cunningham, Goltz, Gould, McDermott, North, Pullen, Ridder, Van Hollebeke.

The bill was read the second time by sections.

Senator Day moved adoption of the committee amendment.

On motion of Senator Francis, the following amendment to the committee amendment was adopted:

On page 16 of the committee amendment on line 16, after "psychology" and before the period insert ": PROVIDED, That this subsection shall not be construed to expand a health professional's scope of practice or to allow employees of a health maintenance organization to practice as a health professional unless licensed."

On motion of Senator Day, the following amendment by Senator Guess to the committee amendment was adopted:

On page 17 of the committee amendment, on line 10, after "FURTHER," strike all material down through "options" on line 13 and insert "That the provisions of this section shall not be mandatory where such members are covered by a Taft-Hartley health care trust, except that the labor-management trustees may contract with a health maintenance organization if a feasibility study determines it is to the advantage of the members to so contract."

The motion by Senator Day carried and the committee amendment, as amended, was adopted.

On motion of Senator Day, the committee amendment to the title was adopted.

On motion of Senator Day, the rules were suspended, Engrossed Substitute House Bill No. 40, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Will Senator Day yield to a question? Senator Day, not being on your committee or involved in this, you indicated that if they had to open their plan once a year it would be devastating. What do you mean, open it to new enrollees?"

Senator Day: "I mean that in the federal act one of the things you have to have to comply to the HMO act federally is to open your enrollment once a year without any

restrictions, which would mean that if you lived, for example, in a town which you do that has an HMO which is authorized by the federal act and once a year they will have to open that panel to anyone."

Senator Rasmussen: "You mean the doctor panel?"

Senator Day: "That is right."

Senator Rasmussen: "You do not mean the patients?"

Senator Day: "That is what I mean, the patients, the subscribers."

Senator Rasmussen: "Open it to subscribers?"

Senator Day: "That is right."

Senator Rasmussen: "The HMO in our town is looking for subscribers all the time. They are open year around."

Senator Day: "That is right. The only thing is that they can be a little bit selective in who they allow in, but under the federal act they cannot be. They have to open it wide open. What I am suggesting is this does not do that."

Senator Rasmussen: "I still do not understand why that would be devastating to allow all the poor people to get into any plans at least once a year."

Senator Day: "They may be already suffering from some disease that is going to require a great deal of care and if you get a high percentage of those, it is obviously going to impact the cost, and that is the reason why the House in its study determined that there would have to be a different method in this particular bill."

Senator Rasmussen: "Senator Day, if I be permitted to disagree, I do not want to debate you on the floor, those people that are suffering from a devastating illness are those that need the help and attention. You should let them get in."

Senator Day: "I understand. That would be perfectly all right with me, Senator."

POINT OF INQUIRY

Senator Lewis (Harry): "Will Senator Day yield to a question? Senator Day, does this bill mandate private employers to, and require them to have HMO's offered to their employees?"

Senator Day: "If they have a group plan which involves over twenty-five employees, they must make available a panel medicine plan, yes."

Further debate ensued.

POINT OF INQUIRY

Senator Lewis (Harry): "Will Senator McDermott yield to a question? Senator McDermott, what you say makes some sense, but I wonder if you could respond to this kind of a situation. Many small employers have a contract for some kind of health care and the way this reads, as I understand it, if you had, say, thirty employees and you offered the service to them, I think that eight or ten of them could decide they wanted an HMO and you would be required to offer that to them. Now that means that the contract that you have for health care for the remaining twenty then are spread over a fewer number and therefore the risk is higher in most of the contracts that I have negotiated, so therefore the price goes up on the twenty that want to stay with the present health care but the ten that want the HMO service can adopt it under this bill, so in effect you could raise the cost and then you are faced with the problem on the language that Senator Francis points out on the other page, that an employer shall not pay more money. Then you must either reduce either with the HMO or reduce with the contract that you have. If you can straighten that out for me then I guess I can understand it and support it, but I see nothing but complication and additional cost, perhaps not to the employer but to the employee by this section 19."

Senator McDermott: "It was our understanding in the testimony in the committee that if the employee—it is sort of like the situation you have here as a member of the legislature. You were offered several plans. You could either take a group plan like Western Clinic, you could take Group Health because you live here in Olympia. You would pay more for that but *you* pay more. The state would pay thirty-five dollars or whatever the amount is that we all get from the employer. The employee, if he wants to have a more comprehensive package, then he could pay the additional amount himself,

but if he wants to take here in this county it would be Thurston County Mason County Medical Bureau, he would be paying less but getting less in benefits, so it leaves to the employee the decision about whether he wants to opt for a more expensive but more comprehensive package which in the long run, I believe by the figures I showed you, really gives him a cost saving. By buying the preventive medicine aspects of an HMO he saves money in the long run. That is where the real savings come."

Senator Lewis (Harry): "But Senator McDermott, supposing only eight out of thirty decide they want an HMO? Those eight can force twenty-two into a position which is going to cost them more, not the employer, but cost the twenty-two that are remaining more because you break, in effect, a contract or an agreement on a fixed number of employees or an average number of employees, and when a private employer buys medical care for employees he buys it on a group size. If he has a big group he buys it generally a little cheaper because it is spread, so you pull part of the group out through an HMO which may or may not have merit, and I assume has. Those who elect to remain either have to take a little less service for the same money or pay more money for the same service as I understand and as I have negotiated many of these contracts, and I do not see how your answer responded to that question."

Senator McDermott: "There is nothing in this bill that I see that says that if they negotiated a group, one small part of the group, the minority, can force the rest to go into this kind of situation. If they were going as individuals, then they go as I described before. If they are going as a group, they vote. They say, 'We, the restaurant employees are going to take "X" package.' I do not see that those two situations really are related. If they are going as individuals they have the option. If they are not, they go as they vote as a member of a bargaining unit."

MOTIONS

On motion of Senator Newschwander, the rules were suspended, Engrossed Substitute House Bill No. 40, as amended by the Senate, was returned to second reading.

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

On page 16, beginning on line 29, strike all of section 19. Renumber remaining sections consecutively.

On motion of Senator Day, the rules were suspended, Engrossed Substitute House Bill No. 40, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 40, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 38; nays, 2; excused, 9.

Voting yea: Senators Bailey, Benitz, Bluechel, Bottiger, Cunningham, Day, Donohue, Fleming, Francis, Gould, Grant, Henry, Herr, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegard, Peterson, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, Wanamaker, Washington, Wilson, Woody—38.

Voting nay: Senators Beck, Walgren—2.

Excused: Senators Buffington, Clarke, Goltz, Guess, Jolly, Keefe, Murray, Pullen, von Reichbauer—9.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 40, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Mardesich, the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

May 22, 1975.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 47 on page 1, line 4; page 2; and refuses to concur in the Senate amendments to page 1, line 10; page 1, line 12, and asks the Senate for a conference thereon, and the Speaker has appointed as the House conferees on Engrossed Substitute House Bill No. 47 and the Senate amendments thereto: Representatives North, Hansen and Gilleland, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Mardesich, the request of the House for a conference on Engrossed Substitute House Bill No. 47 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. 47 and the Senate amendments thereto: Senators Walgren, Bluechel and Bottiger.

MOTION

On motion of Senator Mardesich, the Conference Committee appointments were confirmed.

MOTIONS

On motion of Senator Mardesich, Senate Concurrent Resolution No. 115 and Senate Bill No. 2962 were ordered held on the Introduction and First Reading calendar.

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

On motion of Senator Sandison, the President and all members were permitted as additional sponsors on Senate Resolution 1975-58.

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

SENATE RESOLUTION 1975-58

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

WHEREAS, During this year of 1975, St. Michael's Catholic Church of Olympia is celebrating 100 years of service; and

WHEREAS, The priests, nuns, and laity of St. Michael's Parish have ministered, since the territorial days, to the spiritual and temporal needs of this community; and

WHEREAS, Since its founding, the nuns of this parish have provided food and assistance to the poor and infirm of all faiths in this area; and

WHEREAS, St. Michael's Parish has throughout this 100 years served as a center for education; and

WHEREAS, St. Michael's Church, as the only Catholic church in the city of Olympia, has been the center of worship for the members of the Catholic faith from this legislative assembly;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, That the members do hereby commemorate the occasion of the one hundredth anniversary of the founding of St. Michael's Parish in Olympia, and do hereby commend its priests, nuns, and laity for their valuable services and accomplishments in this parish.

BE IT FURTHER RESOLVED, That the members extend best wishes to all the people of St. Michael's Parish for many happy returns of this historic occasion and for many more years of continued outstanding ministry to the spiritual and temporal needs of this community.

BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit suitably prepared copies of this resolution to Father William Treacy, pastor of St. Michael's Catholic Church.

MOTIONS

On motion of Senator Scott, the President and all members were permitted as additional sponsors on Senate Resolution 1975-59.

On motion of Senator Scott, the following resolution was unanimously adopted:

SENATE RESOLUTION 1975-59

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

WHEREAS, Helen Vinal Clarke, beloved wife of 45 years of our colleague in the Senate, George W. Clarke, passed away on Sunday, May 18, 1975, after a long illness; and

WHEREAS, Helen Vinal Clarke was a wife, mother and concerned citizen involved in community affairs of a service and charitable nature; and

WHEREAS, George W. Clarke has, by his courage and strength, coupled with continuing exemplary service as a member of this body during the most difficult time a man can endure, been a living tribute to his wife, and thereby touched the hearts of each member of this body;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, in legislative session assembled, that the members of the Senate do hereby extend to George W. Clarke, his sons and daughter, and the other members of the family their sympathy and their commiseration with their loss and assure them that the thoughts of the members of the Senate are with the family during their time of mourning;

BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted by the secretary of the Senate to George W. Clarke, member of the Washington State Senate.

MOTION

On motion of Senator Newschwander, the Senate observed a moment of silence in memory of Mrs. Helen Vinal Clarke, wife of Senator George W. Clarke who passed away on Sunday, May 18, 1975.

MOTION

On motion of Senator Mardesich, the Notice of Reconsideration on Senate Bill No. 2410 was ordered held for Monday, May 26, 1975.

MOTION

At 8:15 p.m., on motion of Senator Mardesich, the Senate adjourned until 10:00 a.m., Monday, May 26, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

SEVENTY-FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, May 26, 1975.

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Murray, Pullen and Rasmussen. On motion of Senator Knoblauch, Senator Rasmussen was excused. On motion of Senator Lewis (R. H. "Bob"), Senators Murray and Pullen were excused.

The Color Guard, consisting of Pages Catherine Campbell and Mark Mountford, presented the Colors. Reverend Charles Loyer, pastor of Westminster United Presbyterian Church of Olympia, offered the following prayer:

"ETERNAL GOD, WHO HAST CREATED THE WORLD AND ORDERED THE SEASONS, WE ARE GRATEFUL TODAY FOR THE BEAUTY AND FRESHNESS OF SPRING. GRANT THAT, AS THE LEGISLATORS TURN AGAIN TO THEIR WORK, THEY MAY BRING BACK INTO THE HALLS AND COMMITTEE ROOMS OF THIS CHAMBER, SOMETHING OF THE SPIRIT OF THIS SEASON. GIVE THEM A NEW CONFIDENCE AND FRESH EXPECTATIONS AS THEY ATTACK ISSUES YET TO BE RESOLVED. BLESS THEIR EFFORTS WITH LEGISLATION WITH WHICH WE CAN LIVE AND YET ADEQUATE TO THE BURGEONING NEEDS OF THE STATE. AMEN."

MOTION

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

MESSAGES FROM THE HOUSE

May 23, 1975:

Mr. President: The House has passed:

SENATE BILL NO. 2109,

SENATE BILL NO. 2124,

ENGROSSED SENATE BILL NO. 2194,

ENGROSSED SENATE BILL NO. 2227,

SENATE BILL NO. 2309,

ENGROSSED SENATE BILL NO. 2332,

REENGROSSED SUBSTITUTE SENATE BILL NO. 2526,

SUBSTITUTE SENATE BILL NO. 2725,

ENGROSSED SENATE BILL NO. 2904,

SENATE BILL NO. 2910, and the same are herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

May 23, 1975.

Mr. President: The House has passed ENGROSSED SUBSTITUTE HOUSE JOINT MEMORIAL NO. 26, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

May 23, 1975.

Mr. President: The Speaker has signed SUBSTITUTE HOUSE BILL NO. 62, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

May 24, 1975.

Mr. President: The Speaker has signed:
SUBSTITUTE SENATE BILL NO. 2123,
SUBSTITUTE SENATE BILL NO. 2133,
SENATE BILL NO. 2169,
SENATE BILL NO. 2395,
SENATE BILL NO. 2416,
SUBSTITUTE SENATE BILL NO. 2519,
SUBSTITUTE SENATE BILL NO. 2966, and the same are herewith transmitted.
DEAN R. FOSTER, Chief Clerk.

May 24, 1975.

Mr. President: The Speaker has signed:
HOUSE BILL NO. 265,
HOUSE BILL NO. 314,
HOUSE BILL NO. 595,
HOUSE BILL NO. 752,
SUBSTITUTE HOUSE BILL NO. 932,
HOUSE BILL NO. 1031, and the same are herewith transmitted.
DEAN R. FOSTER, Chief Clerk.

May 24, 1975.

Mr. President: The House has passed:
ENGROSSED SENATE BILL NO. 2032,
ENGROSSED SENATE BILL NO. 2126,
SENATE BILL NO. 2484,
ENGROSSED SENATE BILL NO. 2607,
SUBSTITUTE SENATE BILL NO. 2654,
SENATE BILL NO. 2861, and the same are herewith transmitted.
DEAN R. FOSTER, Chief Clerk.

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

REPORT OF CONFERENCE COMMITTEE

May 22, 1975.

Mr. President:
Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED HOUSE BILL NO. 95 adding a new chapter which revises all statutes relating to eggs and egg production, have had the same under consideration, and we report that we cannot agree and request the powers of Free Conference in order to propose the following amendments to the Senate amendment:

On page 1 of the Senate amendment, line 7, after "through" strike "38" and insert "39".

On page 15 of the Senate amendment, following line 18, insert a new subsection as follows:

"(c) The sale of eggs by any poultry producer from his own flocks directly to the household consumer exclusively for the use by such consumer and members of his household and his nonpaying guests and employees, and the transportation, possession, and use of such eggs in accordance with this subsection;"

Reletter the remaining subsection.

On page 18 of the Senate amendment, beginning on line 23, strike all of subsections (4) and (5) and renumber the remaining subsection consecutively.

On page 20 of the Senate amendment, beginning on line 1, after "34." strike all material down to and including "hens." on line 7, and insert "The provisions of this

chapter shall not apply to the sale of eggs by any egg producer with an annual egg production from a flock of three thousand or less hens."

Signed by: Senators Day, Goltz and Sellar; Representatives Becker, Boldt and Haley.

MOTION

On motion of Senator Day, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference.

SIGNED BY THE PRESIDENT

The President signed:
 SUBSTITUTE HOUSE BILL NO. 62,
 HOUSE BILL NO. 265,
 HOUSE BILL NO. 314,
 HOUSE BILL NO. 595,
 HOUSE BILL NO. 752,
 SUBSTITUTE HOUSE BILL NO. 932,
 HOUSE BILL NO. 1031.

MOTION

At 10:25 a.m., on motion of Senator Mardesich, the Senate recessed until 12:40 p.m.

AFTERNOON SESSION

The President called the Senate to order at 12:40 p.m.

MOTION

At 12:40 p.m., on motion of Senator Mardesich, the Senate recessed until 2:00 p.m.

SECOND AFTERNOON SESSION

The President called the Senate to order at 2:00 p.m.

MOTION

On motion of Senator Mardesich, the Senate advanced to the sixth order of business.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Substitute Senate Bill No. 2500.

SECOND READING

SUBSTITUTE SENATE BILL NO. 2500, by Committee on Labor (originally sponsored by Senators Mardesich, Matson, Lewis (R. H. "Bob"), Bailey, Gould, North and Ridder):

Enacting the education employment relations act.

The Senate resumed consideration of Substitute Senate Bill No. 2500. On May 22, 1975, Substitute Senate Bill No. 2500 was substituted for Senate Bill No. 2500 by Senator Sandison.

The bill was read the second time in full.

Senator Sandison moved the following amendments by Senators Sandison and Herr be considered and adopted simultaneously:

On page 2, line 15, after "districts" and before "of" delete "and community college districts".

On page 3, on line 14, after "district," delete the material down to and including "college," on line 15.

On page 3, line 19, after "mean" and before "the superintendent" on line 20 delete ";

(i) For school districts,".

On page 3, line 22, after "manager" and before the period on line 24, delete "; and

(ii) For community colleges, the president, deans, directors, and business manager".

On page 4, line 16, after "district" delete all the material down to and including "thereof" on line 18.

On page 6, line 31, after "state of Washington." delete all material down to and including same case." on page 7, line 1.

On page 10, line 10, strike "in school districts".

On page 16, beginning on line 26, delete all of subsection (3).

On page 18, line 1, after "employer" strike "school district".

On page 18, line 35 after the semicolon, insert "and".

On page 19, line 1, after "RCW 28A.72.100" delete all the material down to and including "RCW 28B.52.200" on line 23.

POINT OF INQUIRY

Senator Van Hollebeke: "Would Senator Sandison yield to a question? Senator, I was opening my book to the bill as you began and getting into these amendments and I, of course, am not on that committee and cannot follow it as fast as you can, but you were talking about several issues here, one of which was that one of the amendments has the effect of taking the community colleges out of here or does it not? I am not quite clear on that."

Senator Sandison: "It removes the community college Substitute Bill 2500 so that it can be the subject of the next bill that is following on the calendar."

Senator Van Hollebeke: "I see. All right, then the next question was, you talked about students' participation. I thought you gave that in the context of students in community colleges."

Senator Sandison: "That is correct. Under the bill as you now have in 2500 there is no student participation."

Senator Van Hollebeke: "All right. Which amendment is that?"

Senator Sandison: "There is no amendment that speaks to the student participation. That is in the next bill."

Senator Van Hollebeke: "All right. The Sandison-Herr amendments I have six, and if I understood it correctly we were going to take the four as one vote, the first four. Is that correct?"

Senator Sandison: "No, as I understood the President of the Senate it would be all amendments and there was no objection, but if anyone wants to object, it is fine with me."

Senator Van Hollebeke: "I would like to ask then, if you do not object that the questions be divided. Maybe one more question of Senator Sandison first. I want to divide what is a divisible question here and I am unclear as to what these amendments do and maybe . . ."

Senator Sandison: "All these amendments have the effect of removing the community colleges from 2500. That is all they do."

Debate ensued.

Senator Talley demanded a roll call and the demand was sustained by Senators Herr, Sandison, Grant, Ridder, Jolly, Guess, Benitz, Van Hollebeke and Mardesich.

The President declared the question before the Senate to be the roll call on the amendments by Senators Sandison and Herr.

ROLL CALL

The Secretary called the roll and the amendments were adopted by the following vote: Yeas, 28; nays, 16; absent or not voting, 2; excused, 3.

Voting yea: Senators Benitz, Bluechel, Buffington, Clarke, Day, Donohue, Francis, Goltz, Gould, Guess, Henry, Herr, Jolly, Jones, Keefe, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, North, Peterson, Sandison, Scott, Sellar, Talley, Van Hollebeke, Wanamaker, Wilson—28.

Voting nay: Senators Bailey, Beck, Cunningham, Fleming, Grant, Knoblauch, Matson, Morrison, Newschwander, Odegaard, Ridder, Stortini, von Reichbauer, Walgren, Washington, Woody—16.

Absent or not voting: Senators Bottiger, McDermott—2.

Excused: Senators Murray, Pullen, Rasmussen—3.

Senator Goltz moved the following amendments by Senators Grant and Goltz be considered and adopted simultaneously:

On page 2, line 15, after "school districts" strike "and" and insert a comma and after "college districts" insert ", four-year state colleges and universities".

On page 3, line 15, after "college" and before the comma, insert "or state college or university".

On page 3, line 22, strike the word "and" appearing at the end of that line.

On page 3, line 24, after "manager" strike the period and insert "; (iii) For state colleges and universities, the president, vice presidents, deans, and their principal and administrative assistants."

On page 4, line 18, after "thereof" and before the period, insert ", or each board of regents of each state university, respectively, and each board of trustees of each state college, respectively".

Debate ensued.

Senator Goltz demanded a roll call and the demand was sustained by Senators Van Hollebeke, Grant, Talley, von Reichbauer, Fleming, McDermott, Ridder, Walgren and Wilson.

The President declared the question before the Senate to be the roll call on the amendments by Senators Grant and Goltz.

ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 12; nays, 34; excused, 3.

Voting yea: Senators Bailey, Beck, Bottiger, Fleming, Goltz, Grant, Knoblauch, McDermott, Odegaard, Ridder, von Reichbauer, Woody—12.

McDermott, Odegaard, Ridder, von Reichbauer, Woody—12.
Voting nay: Senators Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Gould, Guess, Henry, Herr, Jolly, Jones, Keefe, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, Newschwander, North, Peterson, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson—34.

Excused: Senators Murray, Pullen, Rasmussen—3.

Senator Cunningham moved adoption of the following amendment:

On page 2, line 29, after "to" strike all material down through "employment" on line 30 and insert "compensation, hours of work, and the number of days in the annual employment contracts".

Debate ensued.

Senator Odegaard demanded a roll call and the demand was sustained by Senators Washington, von Reichbauer, Francis, Fleming, Talley, Ridder, Woody, Grant and Bailey.

The President declared the question before the Senate to be the roll call on the amendment by Senator Cunningham.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 8; nays, 37; absent or not voting, 1; excused, 3.

Voting yea: Senators Benitz, Bluechel, Clarke, Cunningham, Donohue, Gould, Guess, Jones—8.

Voting nay: Senators Bailey, Beck, Bottiger, Buffington, Day, Fleming, Francis, Goltz, Grant, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—37.

Absent or not voting: Senator Mardesich—1.

Excused: Senators Murray, Pullen, Rasmussen—3.

There being no objection, the amendment by Senator Cunningham to page 2, line 36 on the Secretary's desk was withdrawn.

Senator Cunningham moved adoption of the following amendment:

On page 7, beginning on line 6, after "activities" strike all the material down to the period on line 23.

POINT OF INQUIRY

Senator Cunningham: "Would Senator Grant yield to a question? Senator Grant, would you say then that any employee who chooses not to have his dues automatically withheld would be allowed to sustain that position without penalty?"

Senator Grant: "Yes. There is nothing in this act that requires an employee to give an authority for dues deduction."

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

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

On page 10, beginning on line 25, strike all of subsection (5) and renumber the remaining subsections consecutively.

On page 11, line 2, after "contracts" and before the period insert ": PROVIDED, That in the event either supervisors or principals and assistant principals choose not to be included in a bargaining unit as allowed in this act said principals and assistant principals shall nonetheless be given at least an equivalent compensation increase as is agreed to by any other bargaining unit in the same district".

Debate ensued.

The motion by Senator Scott failed and the amendments were not adopted.

Senator Cunningham moved the following amendments be considered and adopted simultaneously; and the amendment to page 11, line 17 was co-sponsored with Senator Donohue:

On page 11, line 16, strike "including an agency shop", and on line 16, after "not" strike "a" and insert "an agency".

On page 11, line 17, after the period strike all the material down through the period on line 21.

On page 11, beginning on line 24, after the period strike the remainder of the section.

The motion by Senator Cunningham failed and the amendments were not adopted.

Senator Gould moved adoption of the following amendment:

On page 13, beginning with the word "if" on line 19 of subsection (2) strike all of the material down to and including the period on line 29 and insert the following:

"(3) The fact-finder shall base his findings, opinions and advisory recommendations upon the following factors as applicable:

(a) The lawful authority and responsibilities of the employer.

(b) Stipulations of the parties.

(c) The interest and welfare of the public and the financial resources of the unit of government.

(d) Comparison of the wages, hours and conditions of employment of other employees performing similar services and with other employees generally in public employment in comparable communities.

(e) The average consumer prices for goods and services commonly known as the cost of living.

(f) Changes in any of the foregoing circumstances during the pendency of the fact-finding proceedings.

(g) Such other factors not confined to the foregoing which are normally or traditionally taken into consideration in the determination of wages, hours, terms and conditions of employment through voluntary collective bargaining, mediation, fact-finding, arbitration or otherwise considered between parties in the public service or in private service.

(4) Not more than 30 days after the conclusion of the hearings or such additional periods to which the parties may mutually agree, the fact-finder shall make written findings of fact and promulgate a written opinion and advisory recommendations upon the issues presented to him and upon the record made before him and shall serve such findings, opinions and advisory recommendations upon the parties and upon the commission. Service may be personal or by registered or certified mail. The findings, opinions, and advisory recommendations shall be just and reasonable and based upon the factors prescribed in subsection (3) of this section. Either the commission, the fact-finder, the employer or the exclusive representative may make such findings and recommendations public if the dispute is not settled within five days after their receipt from the fact-finder."

Renumber the following subsections accordingly.

Debate ensued.

POINT OF INQUIRY

Senator Guess: "I would like to ask Senator Grant a question if I might. Senator Grant, I cannot understand if the body so desires, and it seems to me that it is appropriate that they do so, to further describe what the fact-finder will do in order that the fact-finder does take in the broad range of items that are listed here. The first thing under (a) will be that he will have to take under consideration the lawful authority and responsibility of the employer. Now what I would envision that he would do there is he would take into consideration the amount of money that is going to be raised from the special levy or from the appropriation. Would you see any objection to him taking into consideration the lawful authority and responsibilities of the employer?"

Senator Grant: "No, I see nothing wrong with that, Senator Guess, but taken in totality and I would assume you are going to ask questions on each of these subsections . . ."

Senator Guess: "I sure am."

Senator Grant: "Taken in totality and specifying them statutorily, gives either party, either the employer or the employee representative, the option of taking that whole list and saying that a fact-finder did not consider fully, as an example, or to the extent he should have, the average consumer prices for goods and services or the cost of living, so all I am saying is by writing this out statutorily, I think it is good policy for a fact-finder to use these things as a guide, but to state it statutorily I think will only result in litigation that is unnecessary."

Senator Guess: "To the contrary, Senator Grant, I would believe that in the recent case that I happen to know about, had the fact-finder taken into consideration all of the problems in all of these various items that are spelled out, then there would not have been a lawsuit. The defense in this case would have been that the fact-finder did take into consideration the amount of money that was there and therefore he had considered it and therefore the ruling that he made was okay. But you see, by leaving out any clear definition as to what he will take into consideration you do an injustice to the taxpayer because the taxpayer is not sure that all of the items that should have been taken into consideration are taken into consideration, and therefore I would urge that the amendment be adopted."

Senator Grant: "In response to Senator Guess, I would possibly agree with you if we were talking about an arbitrator. We are not. We are not talking about anybody that makes an award. We are talking about a fact-finder whose recommendations are advisory only, and again, if we put this in the statute I think you are causing more disputes than you are resolving."

Senator Guess: "I would like to point out to the body that the fact-finder within five days after his appointment shall meet with the parties or their representatives or both or either jointly or separately and make inquiries, investigations, hold hearings and take such other steps as may deem appropriate for the purpose of such hearings, investigations, inquiries and fact-finding and shall have the power to issue a subpoena requiring the attendance and testimony of witnesses and production of evidence. All right. If he does not do a competent and a thorough job as defined by the amendment, then he

would be derelict in his duty. The way the language states it, there is no clear definition as to what the man should take into consideration and I think that this will vastly improve the bill if we adopt it."

Further debate ensued.

Senator Benitz demanded a roll call and the demand was sustained by Senators Lewis (Harry), Cunningham, Jones, Guess, Bluechel, Bailey, Donohue, Mardesich and Washington.

The President declared the question before the Senate to be the roll call on the amendment by Senator Gould.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 12; nays, 32; absent or not voting, 2; excused, 3.

Voting yea: Senators Benitz, Bluechel, Clarke, Cunningham, Gould, Guess, Jones, Lewis (Harry), Lewis (R. H. "Bob"), North, Scott, Wanamaker—12.

Voting nay: Senators Bailey, Beck, Bottiger, Buffington, Day, Donohue, Fleming, Francis, Goltz, Grant, Henry, Jolly, Keefe, Knoblauch, Mardesich, Marsh, Matson, McDermott, Morrison, Newschwander, Odegaard, Peterson, Ridder, Sandison, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Woody—32.

Absent or not voting: Senators Herr, Sellar—2.

Excused: Senators Murray, Pullen, Rasmussen—3.

Senator Stortini moved adoption of the following amendment:

On page 14, after line 35, insert the following:

"(f) To recruit out-of-state for school district employees as defined in this 1975 act except as may be necessary to comply with applicable federal and state laws and rules and regulations pertaining to equal employment opportunities".

POINT OF ORDER

Senator Bailey: "Mr. President, I would like to raise the scope and object on that amendment, the question of scope and object.

"Mr. President, Senator Stortini probably has some good points to favor the unemployed teacher coming from the schools of the state of Washington but I think that he is going far beyond the scope and object of this. This is a collective bargaining agreement, not in how you recruit teachers but how you bargain collectively after you have the teachers recruited and it just seems to me like this, while it may have merit on its own, and it may not have merit on its own too, but I think that it does go far beyond the scope and object of the collective bargaining measure we are talking about. Now we are also talking about labor hearings and labor rights and I know of no labor consideration, Senator Grant could speak to that, that would confine itself to teachers or anyone else that has an education in a particular area or across state lines. I think it vastly expands the scope and object."

Debate ensued.

The President announced he would rule later on the Point of Order raised by Senator Bailey.

There being no objection the amendment by Senator Cunningham to page 16, line 21 on the Secretary's desk was withdrawn.

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

On page 16, 32, after "agency" and before the period insert "other than the legislature".

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

On page 17, beginning on line 16 strike "[and 28A.67.074]" and insert "[and 28A.67.074]".

Senator Gould moved adoption of the following amendment:

On page 18, beginning on line 6, insert the following:

"NEW SECTION. Sec. 24. Nothing in this act shall be construed to interfere with the responsibilities and rights of the employer as specified by federal and state law, including the employer's responsibilities to students, the public, and other constituent

elements of the institution. The employer shall retain all prerogatives not expressly restricted by contract."

ReNUMBER remaining sections consecutively.

MOTION

On motion of Senator Mardesich, Substitute Senate Bill No. 2500, as amended, together with the pending amendment by Senator Gould and the Point of Order raised by Senator Bailey on an amendment by Senator Stortini, was ordered held on the second reading calendar for Tuesday, May 27, 1975.

MOTION

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

MOTION

On motion of Senator Mardesich, the Notice of Reconsideration on Senate Bill No. 2410 was ordered held for Tuesday, May 27, 1975.

MOTIONS

On motion of Senator Knoblauch, the President and all members of the Senate were permitted as additional sponsors to Senate Resolution 1975-60.

On motion of Senator von Reichbauer, the following resolution was unanimously adopted:

SENATE RESOLUTION 1975-60

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

WHEREAS, Since the founding of this great nation it has been recognized that a citizen's death in the service of his country is the supreme sacrifice he can make; and

WHEREAS, Marine Private First Class Daniel A. Benedett, was killed May 15, 1975, in honorable and dutiful service to his country while participating in the recovery of the American ship, Mayaguez, and its crew; and

WHEREAS, The action taken by Private Benedett and his fellow Marines was an effort to protect the rights of Americans to travel on the high seas; and

WHEREAS, Private Benedett was a son of Washington State and has made this state proud of his actions by exhibiting courage and commitment; and

WHEREAS, Private Benedett is survived by his father Robert Benedett, his mother, Mary Benedett, and sisters Carol Ann and Susan Benedett of Auburn;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, that sincere condolences be extended to his family expressing the deep sorrow which this body shares in the loss of their son and brother;

BE IT FURTHER RESOLVED, That the Senate of the State of Washington expresses its appreciation to the family of Private Benedett for his service to his country and the sacrifice he made in that service; and

BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted to the Benedett family and to the President of the United States, Gerald R. Ford, and to the members of the Washington State Congressional delegation.

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 2032,
SENATE BILL NO. 2109,
SENATE BILL NO. 2124,
SENATE BILL NO. 2126,
SENATE BILL NO. 2194,
SENATE BILL NO. 2227,
SENATE BILL NO. 2309,
SENATE BILL NO. 2332,
SENATE BILL NO. 2484,
SUBSTITUTE SENATE BILL NO. 2526,
SENATE BILL NO. 2607,
SUBSTITUTE SENATE BILL NO. 2654,
SUBSTITUTE SENATE BILL NO. 2725,
SENATE BILL NO. 2861,
SENATE BILL NO. 2904,
SENATE BILL NO. 2910.

MOTION

At 4:30 p.m., on motion of Senator Mardesich, the Senate adjourned until 11:00 a.m., Tuesday, May 27, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

SEVENTY-FIFTH DAY**MORNING SESSION**

Senate Chamber, Olympia, Tuesday, May 27, 1975.

The Senate was called to order at 11:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bottiger and Murray. On motion of Senator Lewis (R. H. "Bob"), Senator Murray was excused.

The Color Guard, consisting of Pages Lisa Burrows and David Steensen, presented the Colors. Reverend Charles Loyer, pastor of United Westminister Presbyterian Church of Olympia, offered the following prayer:

"AS WE BEGIN ANOTHER DAY, OUR GOD AND FATHER, WE ARE MINDFUL OF THE SERIOUS AND COMPLEX PROBLEMS WHICH STILL CONFRONT THIS LEGISLATURE. SUSTAIN THE LEGISLATORS AS THEY LABOR TO MEET THEM. GIVE TO THE SENATORS THAT WISDOM WHICH WILL ENABLE THEM TO SEE EACH ISSUE IN THE LARGER CONTEXT OF TOMORROW'S AS WELL AS TODAY'S NEEDS. MAKE THEM SENSITIVE TO THE MORAL AS WELL AS THE ECONOMIC DEMANDS OF THESE CRITICAL TIMES. DELIVER THEM FROM DRY-RUNS AND LEGISLATIVE IMPASSES. GRANT THAT THEIR COMBINED WORK TODAY MAY CONTRIBUTE CONSIDERABLY TO THE WIND-UP OF THIS BIENNIUM. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEES

May 27, 1975.

SUBSTITUTE HOUSE BILL NO. 294, making miscellaneous changes in credit union laws (reported by Committee on Financial Institutions):

MAJORITY recommendation: Do pass.

Signed by: Senators Woody, Chairman; Bluchel, Herr, Jones, Mardesich.

Passed to Committee on Rules for second reading.

May 26, 1975.

SUBSTITUTE HOUSE BILL NO. 296, increasing petty cash account limit (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson, Second Vice Chairman; Bailey, Clarke, Fleming, Lewis (Harry), Mardesich, Marsh, Scott, Washington.

MOTION

Senator Beck moved that the rules be suspended and Substitute House Bill No. 296 be placed on second reading and read the second time in full.

POINT OF INQUIRY

Senator Lewis (Harry): "Will Senator Sandison or whoever the floor leader is over there respond to a question? Senator Sandison, I am just wondering, this procedure is a little bit unusual. Do you go along with Senator Beck to snatch bills off the desk rather

than go through the normal procedure or — we do not have very many members here and I am wondering what you recommend, Senator Sandison?"

Senator Sandison: "Thank you very much for putting me on the spot like that, Senator Lewis. I do not know what I would do without friends like you. I am sorry, I was not paying attention at the time. I was talking to Senator Marsh and I did not know what the voluble Senator from South Kitsap did, but I will talk to him."

There being no objection, the motion by Senator Beck was withdrawn.

REPORTS OF STANDING COMMITTEES

May 26, 1975.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 435, revising law relating to rate setting and financing of public service companies (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Vice Chairman; Benitz, Bluechel, Guess, Keefe, Lewis (R. H. "Bob"), Morrison, Sellar, Stortini, Talley, Wanamaker.

MINORITY recommendation: Do not pass.

Signed by: Senators Walgren, Chairman; Beck, Bottiger, Jolly, Knoblauch.

Passed to Committee on Rules for second reading.

May 26, 1975.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1007, setting salaries for elected public officials (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson, Second Vice Chairman; Bailey, Jones, Mardesich, Marsh, Matson, Washington.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE GOVERNOR

Office of the Governor, May 26, 1975.

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

LADIES AND GENTLEMEN:

I have the honor to advise that on May 26, 1975, Governor Evans approved the following Senate Bills, entitled:

SENATE BILL NO. 2077: Fixing the compensation of jurors.

SUBSTITUTE SENATE BILL NO. 2249: Providing for the qualification and regulation of public depositaries.

SECOND SUBSTITUTE SENATE BILL NO. 2258: Screening certain school children in order to identify any children with specific learning disabilities.

SUBSTITUTE SENATE BILL NO. 2322: Granting medical aid benefits under the industrial insurance act to volunteers.

SENATE BILL NO. 2411: Creating credit union share guaranty association.

SENATE BILL NO. 2434: Permitting the state finance committee to invest in paper secured by the sale or lease of equipment of a corporation located in the state.

SENATE BILL NO. 2454: Directing the criminal justice education board and commission to establish minimum standards for recruitment of criminal justice personnel.

SENATE BILL NO. 2467: Permitting mutual savings banks to convert to savings and loan associations.

SUBSTITUTE SENATE BILL NO. 2480: Providing changes in security regulation provisions.

SENATE BILL NO. 2509: Permitting notaries public to use rubber stamps in addition to seals.

SENATE BILL NO. 2945: Authorizing merger of sewer districts across county lines.

Sincerely,
CHI-DOO LI
Legal Counsel

MESSAGES FROM THE HOUSE

May 26, 1975.

Mr. President: The House has passed REENGROSSED SENATE BILL NO. 2306, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

May 26, 1975.

Mr. President: The House has concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 126 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

May 26, 1975.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 212 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

May 26, 1975.

Mr. President: The House has concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 67 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

May 26, 1975.

Mr. President: The House has concurred in the Senate amendments to HOUSE BILL NO. 2 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

May 26, 1975.

Mr. President: The House has concurred in the Senate amendments to HOUSE BILL NO. 267 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

May 26, 1975.

Mr. President: The House has concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 340 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

May 26, 1975.

Mr. President: The House has concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 619 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

May 26, 1975.

Mr. President: The House has concurred in the Senate amendment to EN-

GROSSED SUBSTITUTE HOUSE BILL NO. 184 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

May 26, 1975.

Mr. President: The House has concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 530 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

May 26, 1975.

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.

DEAN R. FOSTER, Chief Clerk.

May 26, 1975.

Mr. President: The House has concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 423 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

May 26, 1975.

Mr. President: The Speaker has signed:

SENATE BILL NO. 2032,
SENATE BILL NO. 2109,
SENATE BILL NO. 2124,
SENATE BILL NO. 2126,
SENATE BILL NO. 2194,
SENATE BILL NO. 2227,
SENATE BILL NO. 2309,
SENATE BILL NO. 2332,
SENATE BILL NO. 2484,
SUBSTITUTE SENATE BILL NO. 2526,
SENATE BILL NO. 2607,
SUBSTITUTE SENATE BILL NO. 2654,
SUBSTITUTE SENATE BILL NO. 2725,
SENATE BILL NO. 2861,
SENATE BILL NO. 2904,
SENATE BILL NO. 2910, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 2962, by Senators Scott and Morrison:

Permitting insurance companies to assume liability under workmen's compensation.

Referred to Committee on Rules.

SENATE CONCURRENT RESOLUTION NO. 115, by Senators Lewis (Harry), Cunningham and Matson:

Prescribing cut-off dates for consideration of legislative measures.

Referred to Committee on Rules.

ENGROSSED SUBSTITUTE HOUSE JOINT MEMORIAL NO. 26, by Committee on Agriculture (originally sponsored by Representatives Becker, Kilbury, Bertson and Moreau):

Memorializing Congress to permit children under twelve to harvest crops.
Referred to Committee on Agriculture.

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

MESSAGE FROM THE HOUSE

May 22, 1975.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2047 with the following amendments:

On page 1, line 1 of the title, after "hospital" insert "and nursing home".

On page 1, line 1 of the title, after "records;" strike "and" and on line 2, after "RCW" insert "; and adding a new section to chapter 18.51 RCW".

On page 1, line 9, after "following" strike "a" and insert "the most recent".

On page 1, line 12, after "following" insert "such".

On page 1, after line 19, insert the following:

"*NEW SECTION.* Sec. 2. There is added to chapter 18.51 RCW a new section to read as follows:

Unless specified otherwise by the board, a nursing home shall retain and preserve all records which relate directly to the care and treatment of a patient for a period of no less than ten years following the most recent discharge of the patient; except the records of minors, which shall be retained and preserved for a period of no less than three years following attainment of the age of eighteen years, or ten years following such discharge, whichever is longer.

If a nursing home ceases operations, it shall make immediate arrangements, as approved by the department, for preservation of its records.

The board shall by regulation define the type of records and the information required to be included in the records to be retained and preserved under this section; which records may be retained in photographic form pursuant to chapter 5.46 RCW.", 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. 2047.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2047, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; absent or not voting, 1; excused, 1.

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

Absent or not voting: Senator Bottiger—1.

Excused: Senator Murray—1.

ENGROSSED SENATE BILL NO. 2047, 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.

There being no objection, Senator Bottiger was excused.

MESSAGE FROM THE HOUSE

May 16, 1975.

Mr. President: The House has passed SENATE BILL NO. 2310 with the following amendments:

On line 1 of the title after "associations;" and before "and" insert "amending section 25, chapter 235, Laws of 1945 as amended by section 25, chapter 130, Laws of 1973 and RCW 33.16.110; amending section 14, chapter 107, Laws of 1969 as amended by section 31, chapter 130, Laws of 1973 and RCW 33.24.280;"

On page 2, following line 23, add sections as follows:

"Sec. 2. Section 25, chapter 235, Laws of 1945 as amended by section 25, chapter 130, Laws of 1973 and RCW 33.16.110 are each amended to read as follows:

The board of directors, not later than at the regular meeting in January of each year, shall adopt a budget of expenses for the ensuing calendar year, which budget may be revised at any regular monthly meeting by a two-thirds vote of the entire board of directors: *PROVIDED, That as an alternative to a calendar year the board may adopt a fiscal year.*

The officers shall maintain the expenses of the association within the budget so adopted.

The secretary shall transmit forthwith to the supervisor a copy of the budget, and of each amendment thereof, upon adoption.

Sec. 3. Section 14, chapter 107, Laws of 1969 as amended by section 31, chapter 130, Laws of 1973 and RCW 33.24.280 are each amended to read as follows:

An association may invest in capital stock, capital debentures, and bonds issued by any corporation organized under the laws of the United States or any state, subject to the further limitations and conditions that at the time of such investment the aggregate of the reserves, surplus, undivided profits, and guaranty stock, if any, of the association is at least equal to five percent of the [assets] *savings* of the association and that immediately upon the making of any investment under authority of this paragraph, the aggregate amount of all investments then held by the association under authority of this paragraph does not exceed fifty percent of its guaranty stock, reserves, surplus, and undivided profits.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Woody, the Senate concurred in the House amendments to Senate Bill No. 2310.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2310, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

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

Excused: Senators Bottiger, Murray—2.

SENATE BILL NO. 2310, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Knoblauch, Senator Walgren was excused.

MOTION

On motion of Senator Mardesich, the Senate resumed consideration of the House

Message on Engrossed Senate Bill No. 2623 and the motion by Senator Marsh on May 22, 1975 that the Senate do concur in the House amendment to Engrossed Senate Bill No. 2623.

PARLIAMENTARY INQUIRY

Senator Marsh: "If a motion were timely made to concur in the House amendments to Senate Bill 2623 except for four or five lines or phrases within the bill, would it be possible for the Senate to concur in all but the four or five lines or phrases within the bill?"

Debate ensued.

REPLY BY THE PRESIDENT

The President: "Senator Marsh, members of the Senate, in replying to your parliamentary inquiry, Senator Marsh, the President believes that in the best interests of the body that the Senate should stand on Rule 7 of the Joint Rules which states: 'In every case of difference between the two houses, upon any subject of legislation, the house refusing to recede shall request a conference and appoint a committee of three for that purpose, and the other house shall grant the request for a conference and appoint a like committee to confer.' 'In every case of difference.' The President believes that whereas Reed's Rules does indicate the possibility of doing otherwise, the President feels that if that practice were to be followed that it would eventually result in almost complete chaos and confusion."

Senator Marsh again moved that the Senate do concur in the House amendment to Engrossed Senate Bill No. 2623.

Debate ensued.

Senator Francis demanded a roll call.

POINT OF ORDER

Senator Pullen: "I would like you to rule on whether the House Judiciary Committee amendment expands the scope and object of Engrossed Senate Bill No. 2623.

Debate ensued.

MOTION

On motion of Senator Bailey, the House Message on Engrossed Senate Bill No. 2623, together with the Point of Order raised by Senator Pullen, was ordered held for a Ruling by the President this afternoon.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of the House Message on Engrossed Senate Bill No. 2090.

MESSAGE FROM THE HOUSE

May 23, 1975.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2090 with the following amendments:

In line 6 of the title after "28A.67.020;" strike everything down to the period on line 10 and insert "amending section 3, chapter 10, Laws of 1972 ex. sess. and RCW 28A.58.100; and providing penalties".

On page 2, line 25, strike all of section 4 and insert a new section to read as follows:

"Sec. 4. Section 3, chapter 10, Laws of 1972 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, injury and emergencies 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 except in the following manner: Any leave for injury or illness accumulated up to a maximum of forty-five days shall be creditable as service rendered for the purpose of determining the time at which an employee is eligible to retire;

(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 intermediate school 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.

When any teacher or certificated employee leaves a school district within the state and commences employment with the superintendent of public instruction, his or her years of school district employment may be credited toward the accrual of sick leave and annual leave as if such years had been in uninterrupted state agency service, other provisions of law to the contrary notwithstanding., and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Stortini, the Senate concurred in the House amendments to Engrossed Senate Bill No. 2090 on a rising vote.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2090, as amended by the House, and the bill failed to pass the Senate by the following vote: Yeas, 22; nays, 24; absent or not voting, 1; excused, 2.

Voting yea: Senators Bailey, Beck, Bluechel, Bottiger, Day, Donohue, Fleming, Goltz, Grant, Henry, Herr, Jolly, Keefe, Knoblauch, McDermott, Odegard, Peterson, Ridder, Sandison, Stortini, Talley, Washington—22.

Voting nay: Senators Benitz, Buffington, Clarke, Cunningham, Francis, Gould, Guess, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, Newschwander, North, Pullen, Rasmussen, Sellar, Van Hollebeke, von Reichbauer, Wanamaker, Wilson, Woody—24.

Absent or not voting: Senator Scott—1.

Excused: Senators Murray, Walgren—2.

ENGROSSED SENATE BILL NO. 2090, as amended by the House, having failed to receive the constitutional majority, was declared lost.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Marsh moved that the Senate immediately reconsider the vote by which the Senate failed to pass Engrossed Senate Bill No. 2090, as amended by the House.

MOTION

On motion of Senator Mardesich, the Motion for Reconsideration by Senator Marsh was ordered held following the noon recess.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of the House Message on Engrossed Senate Bill No. 2210.

MESSAGE FROM THE HOUSE

May 21, 1975.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2210 with the following amendments:

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "schools; amending section 28A.04.120, chapter 233, Laws of 1969 ex. sess. as last amended by section 1, chapter 92, Laws of 1974 ex. sess. and RCW 28A.04.120; amending section 1, chapter 52, Laws of 1973 and RCW 28A.58.115; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW; prescribing effective dates; and declaring an emergency."

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Section 1. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW a new section to read as follows:

The board of directors of any common school district may establish and collect a fee from students and nonstudents as a condition to their attendance at any optional noncredit extracurricular event of the district which is of a cultural, social, recreational or athletic nature: PROVIDED, That in so establishing such fee or fees, the district shall adopt regulations for waiving and reducing such fees in the cases of those students whose families, by reason of their low income, would have difficulty in paying the entire amount of such fees. An optional comprehensive fee may be established and collected for any combination or all of such events or, in the alternative, a fee may be established and collected as a condition to attendance at any single event. Fees collected pursuant to this section shall be deposited in the associated student body program fund of the school district, and may be expended to defray the costs of optional noncredit extracurricular events of such a cultural, social, recreational or athletic nature, or to otherwise support the activities and programs of associated student bodies.

NEW SECTION. Sec. 2. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.65 RCW a new section to read as follows:

There is hereby created in the county treasury a fund to be known as the associated student body program fund, and to be used as an operating fund by every school district having an associated student body as defined in RCW 28A.58.115. All moneys generated through the programs and activities of the associated student body shall be deposited in the associated student body program fund. Such funds may be invested for the sole benefit of the associated student body program fund in items enumerated in RCW 28A.58.440 and the county treasurer may assess a fee as provided therein. Disbursements from such fund shall be under the control and supervision, and with the approval, of the board of directors of the school district, and shall be by warrant as provided in chapter 28A.66 RCW: *PROVIDED*, That in no case shall such warrants be issued in an amount greater than the funds on deposit with the county treasurer in the associated student body program fund. To facilitate the payment of minor or unexpected obligations, or obligations which require immediate payment, an imprest bank account or accounts may be created and replenished from the associated student body program fund.

The associated student body program fund shall be budgeted by the associated student body, subject to approval by the board of directors of the school district. All disbursements from the associated student body program fund or any imprest bank account established thereunder shall have the prior approval of the appropriate governing body representing the associated student body. Notwithstanding the provisions of RCW 43.09.210, it shall not be mandatory that expenditures from the district's general fund in support of associated student body programs and activities be reimbursed by payments from the associated student body program fund.

The effective date of this section shall be July 1, 1976.

Sec. 3. Section 1, chapter 52, Laws of 1973 and RCW 28A.58.115 are each amended to read as follows:

As used in this section, an "associated student body" means the formal organization of the students of a school formed with the approval of and regulation by the board of directors of the school district in conformity to the rules and regulations promulgated by the superintendent of public instruction.

The superintendent of public instruction, after consultation with appropriate school organizations and students, shall promulgate rules and regulations to designate the powers and responsibilities of the boards of directors of the school districts of the state of Washington in developing efficient administration, management, and control of moneys, records, and reports of the associated student bodies organized in the public schools of the state.

The application of the provisions of this section is suspended until July 1, 1976.

Sec. 4. Section 28A.04.120, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 92, Laws of 1974 ex. sess. 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 RCW 28A.02.201, private schools carrying out a program for any or all of the grades one through 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 non-high 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 boards 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 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) *Adopt rules and regulations governing the relationship between school districts and any nonprofit organization which facilitates the conduct of interschool activities as provided in section 5 of this 1975 amendatory act.*

(13) Hear and decide appeals as otherwise provided by law.

NEW SECTION. Sec. 5. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW a new section to read as follows:

Except as otherwise specifically restricted by rule and regulation of the state board of education or other law, every board of directors of a common school district may authorize any school of the district to purchase the services of any nonprofit organization which facilitates the conduct, scheduling and programming of interschool activities and participation therein: **PROVIDED,** That any such nonprofit organization:

(1) Does not discriminate on the basis of sex, race, religion or national origin in practice or membership;

(2) Includes individuals who are employed as common school district administrators and individuals who are common school district directors upon its governing board; and

(3) Adopts its printed rules and regulations consistent with those which may be adopted by the state board of education; whenever a local board of directors finds that the rules of the organization may be in conflict with state law or district policy, that district may appeal to the state board of education which shall be ultimately responsible for a prompt resolution of any such conflict.

NEW SECTION. Sec. 6. If any provision of this 1975 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 7. Section 1 of this 1975 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of state gov-

ernment and its existing public institutions, and shall take effect July 1, 1975.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Stortini, the Senate refused to concur in the House amendments to Engrossed Senate Bill No. 2210 and asks the House for a conference thereon.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of the House Message on Engrossed Substitute Senate Bill No. 2251.

MOTION

On motion of Senator Lewis (R. H. "Bob"), Senator Lewis (Harry) was excused.

MESSAGE FROM THE HOUSE

May 23, 1975.

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 2251 with the following amendment:

On page 1, line 25 of the printed substitute bill, being page 1, line 28 of the engrossed bill, after "candidate" insert "*and every person appointed to the appointive positions enumerated herein shall, within two weeks of being so appointed,*", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Grant, the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 2251.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2251, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 25; nays, 22; excused, 2.

Voting yea: Senators Bailey, Beck, Bottiger, Day, Donohue, Fleming, Grant, Henry, Herr, Jolly, Keefe, Knoblauch, Mardesich, Marsh, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott, Stortini, von Reichbauer, Walgren, Washington, Wilson—25.

Voting nay: Benitz, Bluechel, Buffington, Clarke, Cunningham, Francis, Goltz, Gould, Guess, Jones, Lewis (R. H. "Bob"), Matson, McDermott, Morrison, Newschwander, North, Pullen, Sellar, Talley, Van Hollebeke, Wanamaker, Woody—22.

Excused: Senators Lewis (Harry), Murray—2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2251, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of the House Message on Engrossed Substitute Senate Bill No. 2463.

MESSAGE FROM THE HOUSE

May 24, 1975,

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 2463 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Section 1. The purpose of this amendatory act is to provide for a comprehensive planning process and a decision making system for vocational education programs in the state of Washington and to establish administrative responsibility for the receipt and allocation of federal vocational funds.

It is the intent of this amendatory act that whenever possible, comprehensive and coordinated educational programs shall be provided at the secondary and postsecondary education levels and such programs shall include therein vocational, occupational, and technical offerings, both within the secondary and postsecondary education systems.

NEW SECTION. Sec. 2. As used in this amendatory act the following definitions shall apply:

(1) "Commission" shall mean the commission for vocational education.

(2) "Secondary education system" shall mean those educational courses and programs, within the jurisdiction of the superintendent of public instruction, being offered in the common schools of the state of Washington in the grades 7 through 12, or any part thereof, which are traditionally provided for the purpose of granting a recognized certificate of completion or a high school diploma: **PROVIDED,** That notwithstanding the provisions of this chapter and RCW 28B.50.140(1), existing vocational-technical institutes operating within the secondary school system shall continue to function within the common school system.

(3) "Postsecondary education system" shall mean those educational courses and programs, not within the jurisdiction of the superintendent of public instruction, being offered beyond secondary education by institutions of higher education in the state of Washington to those who hold a certificate of completion or high school diploma which includes academic, vocational, technical or professional training traditionally leading to an associate, baccalaureate or higher degree or a certificate of achievement.

(4) "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, homemaking, home and family life programs, and volunteer fire fighting training, which are not designated as professional or requiring a baccalaureate or higher degree.

(5) "State plan" shall mean the Washington state plan for vocational education, adopted as required by Public Law 88-210 as amended, and other federal congressional and administrative directives pertaining to vocational education, and shall be the single comprehensive plan which provides approval standards for vocational education operated in or by community colleges, common schools, area nongraded vocational-technical institutes, occupational skill centers, state institutions, private proprietary and parochial schools, on-the-job training facilities or any other training location where local, state or federal vocational funds are allocated: **PROVIDED,** That standards of, rules and regulations for, and supervision of indentured apprenticeship in the apprenticeable crafts shall continue to be governed by the director of labor and industries and the state apprenticeship council in accordance with chapter 49.04 RCW.

(6) "Vocational-technical institute" shall mean a specialized area nongraded vocational education facility established and operated for the purpose of offering comprehensive courses primarily oriented to the job market area in vocational education for persons sixteen years of age and older without regard to residence, pursuant to laws and rules and regulations pertaining to the maintenance, operation, and capital funding of vocational-technical institutes: **PROVIDED,** That service areas for common school vocational-technical institutes shall be defined specifically by the commission, recognizing areas traditionally served.

(7) "Advisory council" means the advisory council for vocational education established within this state pursuant to 20 USCA 1244B.

NEW SECTION. Sec. 3. There is hereby established a commission for vocational education comprised of seven members, each of which shall be a voting member. The chairman shall be a citizen member chosen by a majority of its members pursuant to its bylaws. Five citizen members shall be appointed by the governor and confirmed by the state senate. The superintendent of public instruction and the director of the state board for community college education shall serve as the remaining two members. In making citizen member appointments initially, and subsequently thereafter, the governor shall be cognizant of the desirability of appointing persons well versed regarding vocational and occupational needs of management, labor, and agriculture.

The initial citizen appointments shall be for periods of one, two, three, four, and five years. Thereafter such citizen members shall serve for terms of five years. No citizen member shall be eligible to serve who is also a member of a state or local educational agency, board, council or commission, or who is employed by a common school or institution of higher education.

Four members shall constitute a quorum, and no action shall be taken by less than four affirmative votes.

NEW SECTION. Sec. 4. The commission for vocational education shall have the following functions:

(1) Plan development. The commission shall be responsible for complying with federal directives to insure the development and maintenance of a state plan for vocational education but initial planning shall be accomplished by the secondary and postsecondary education systems. Prior to the adoption of the state plan, the commission shall request comments from the council on higher education and the advisory council for vocational education.

(2) State plan modification adjudication. Decisions on new programs and/or facilities for vocational education shall be made internally within the respective secondary or postsecondary education system in accordance with the provisions of the state plan. The commission may review such decisions to insure compliance with the state plan and avoid unnecessary duplication of current or projected programs.

Any common school or community college district, or the superintendent of public instruction, or the state board for community college education, or other interested parties as authorized by the commission, shall be afforded the opportunity to comment upon any new programs or facilities proposed. The commission, subject to dispute resolution rules adopted by said commission, shall have the final determination on any disputes arising out of such program proposals.

In adjudicating disputes between the two secondary and postsecondary education systems regarding the state plan, the commission will use at least the following criteria: Recognition that secondary education is constitutionally the responsibility of the superintendent of public instruction and that by legislative action postsecondary education is the responsibility of institutions of higher education; adhere to the general policy set forth in the state plan; consider the particular vocational need of the community, region, or state and whether the common school or community college, or both, can best respond to those needs; encourage cooperation and coordination rather than competition and program conflict between secondary and postsecondary education systems; consider the desires and preferences of the residents of the immediate program service area and of the representatives of the fields of management, labor, and agriculture which benefit from possible program offerings; and avoid unnecessary duplication of vocational education programs and facilities.

(3) Vocational education administration. The commission shall be the sole agency for the receipt and allocation of federal funds in accordance with the state plan. The supervision of the state plan shall be carried out by the commission; however, daily administration of the state plan shall be primarily the responsibility of the superintendent of public instruction and the state board for community college education: **PROVIDED**, That the commission shall review and approve state plan development proposals or special programs requiring personal service contracts, and activities beyond the program responsibilities of the superintendent of public instruction and the state board for community college education.

Under the state plan the commission shall make periodic compliance audits at least once a biennium of the vocational education programs individually and jointly conducted by the common schools and community colleges to insure compliance with the state plan.

The commission shall be the primary state liaison with the federal government for the state plan for vocational education.

NEW SECTION. Sec. 5. In addition to powers and duties under section 4 of this amendatory act, the commission shall make periodic reports to the governor and the legislature. The initial report shall be submitted, with the governor's comments, to the 1977 legislature by December 1, 1976 and shall include, but not be limited to, review of and recommendations on the following: (1) Vocational education program modification, including common informational data systems; (2) reorganization of the administration of vocational education; (3) an appropriate level of expenditure for the state administration of vocational education programs; (4) appropriate charges for vocational and adult education programs in the secondary and postsecondary education systems; and (5) provisions for personnel standards for vocational education instructors.

Such recommendations, to the greatest extent possible, shall comply with the intent of this amendatory act and be consistent with federal requirements.

NEW SECTION. Sec. 6. The commission is authorized to promulgate such rules and regulations as are necessary to comply with the intent of this amendatory act in accordance with chapter 34.04 RCW, the administrative procedure act, and adopt such bylaws as deemed necessary to the business of the commission. Existing rules and regulations of any state agency relating to vocational education should be considered amended in accordance with the intent of this amendatory act. Initial rules and regulations of the commission, prior to their effective date, shall be submitted to the respective rules committees of the senate and house for review concurrently at such time as notice of intent to adopt is filed. The commission is further authorized to take whatever action is necessary to insure compliance with federal vocational education enactments and state legislative and administrative directives concerning vocational education. The commission is also authorized to delegate by commission resolution to the executive director those functions it deems necessary to the operation of the commission.

The commission shall meet, consult and cooperate with the office of the state superintendent of public instruction on all matters falling within his constitutional supervisory powers in advance of exercising any of the powers or duties granted to the commission by this chapter.

NEW SECTION. Sec. 7. Common school districts and community college districts shall cooperate in offering vocational education programs, particularly when establishing specialized facility support for such programs. Such cooperation shall also extend to noncredit vocational courses in common school community education programs and community college community service programs as the same are authorized in RCW 28A.58.247 and 28B.50.020.

Except as provided for by the rules and regulations of the commission, (1) common school vocational-technical institutes shall not offer new or expanded vocational programs outside their traditional service areas; (2) community colleges shall not offer new or expanded vocational programs outside their college districts. Common school vocational-technical institutes and community colleges desiring to offer new or expanded programs outside their respective service areas or community college districts shall provide reasonable notice, as determined by the commission, to the common school and community college districts affected thereby.

If such joint cooperation cannot be attained the local level the superintendent of public instruction and the state board for community college education shall attempt to resolve the matter. Matters unresolved shall be referred to the commission for adjudication.

NEW SECTION. Sec. 8. Members of the commission will receive per diem in lieu of compensation, and travel expenses in accordance with standard rates for part time boards, councils, and commissions as certified by the state budget director.

NEW SECTION. Sec. 9. The coordinating council for occupational education is

hereby abolished effective midnight June 30, 1975, and its education responsibilities, personnel, property and equipment are transferred to the commission for vocational education unless otherwise provided for in this amendatory act.

NEW SECTION. Sec. 10. The commission may employ an executive director and such other personnel as may be necessary to carry out the purposes of this amendatory act. The commission in accordance with section 4 of this amendatory act shall keep its professional staff to the minimum number of persons necessary to fulfill its duties under this amendatory act and the performance of such other administrative responsibilities as the legislature may provide.

NEW SECTION. Sec. 11. The superintendent of public instruction may authorize common schools to contract with community colleges to provide adult high school completion programs if he determines that such programs effectively fulfill the purposes of secondary education: **PROVIDED,** That except as subject to the action of the superintendent of public instruction, adult high school completion programs conducted by the community colleges as authorized by RCW 28B.50.092 or 28B.50.535 shall remain in the community colleges.

NEW SECTION. Sec. 12. The governor is hereby authorized, with the advice of the office of program planning and fiscal management to determine to which of the following state agencies those functions of the coordinating council for occupational education not herein transferred to the commission for vocational education shall be transferred: The council on higher education; the department of social and health services; and the department of labor and industries; the superintendent of public instruction; the state board for community colleges, or any educational administrative agency created during the forty-fourth legislative session. The governor has the authority to transfer such personnel, funds, and equipment to the agency he so determines as may be necessary to carry out those functions. The governor shall make a report to the legislature concerning such determinations as he has made by December 1, 1975. All remaining funds of the coordinating council not disposed of or otherwise provided for in this amendatory act shall remain within the jurisdiction of the commission.

Sec. 13. Section 4, chapter 285, Laws of 1971 ex. sess. and RCW 28A.09.120 are each amended to read as follows:

For the purposes of [Title 28A RCW] *this title*:

(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)] (2) 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)] (3) The term "job market area" shall mean the geographic area for recruitment and placement of job entrants, usually determined by each industry or by a collective bargaining agreement.

Sec. 14. Section 28B.50.230, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.230 are each amended to read as follows:

(1) The [coordinating council] *commission* in preparing the state plan for vocational education shall give consideration to the following:

(a) Vocational education for persons attending high school;

(b) Vocational education for persons who have completed or left high school and who are available for full time study in preparation for entering the labor market;

(c) Vocational education for persons (other than persons who are receiving training allowances under the Manpower Development and Training Act of 1962, Public Law 87-415, the Area Redevelopment Act, Public Law 87-27, or the Trade Expansion Act of 1962, Public Law 87-794 *for any successor statutes thereto*) the labor market and who need training or retraining to achieve stability or advancement in employment;

(d) Vocational education for persons who have academic, socio-economic, or other handicaps that prevent them from succeeding in the regular vocational education program;

(e) Construction of area vocational educational school facilities, as authorized by the state board for community colleges and the state board of education; and

(f) Ancillary services and activities to assure quality in all vocational education programs, such as teacher training and supervision, program evaluation, special demonstrations and experimental programs, development of instructional materials, and state administration and leadership, including periodic evaluation of state and local vocational education programs and services in the light of information regarding current and projected manpower needs and job opportunities.

(2) In determining the allocation of funds, the [council] *commission* shall comply with federal statute.

Sec. 15. Section 28B.50.240, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 285, Laws of 1971 ex. sess. and RCW 28A.09.100 are each amended to read as follows:

The state board of education shall have the power to authorize the school districts to offer vocational education programs in the elementary and secondary schools and the state board shall adopt rules and regulations to implement such programs and shall also adopt such rules and regulations for programs authorized by RCW 28A.58.245 and [28B.50.770] *for vocation-technical institutes as provided for by this amendatory act.*

Sec. 16. Section 53, chapter 283, Laws of 1969 ex. sess. and RCW 28B.50.246 are each amended to read as follows:

The advisory council shall:

(1) Advise the [coordinating council] *commission on vocational education* on the development of and policy matters arising in the administration of the state plan for federally funded vocational education pursuant to RCW 28B.50.230, including the preparation of long range and annual program plans therefor;

(2) Evaluate such vocational education programs, services, and activities assisted under this title, and publish and distribute the results thereof;

(3) Prepare and submit through the [coordinating council] *commission on vocational education* to the federal commissioner of education and to the national advisory council on vocational education an annual evaluation report, accompanied by such additional comments of the [coordinating council] *commission* as the [coordinating council] *commission* deems appropriate, which (a) evaluates the effectiveness of federally funded vocational education programs, services, and activities carried out in the year under review in meeting the program objectives set forth in the long range program plan and the annual program plan, and (b) recommends such changes in such programs, services, and activities as may be warranted by the evaluations; and

(4) Obtain the services of *an executive director and confidential secretary to such director, both of whom shall be exempt from the provisions of chapter 41.06 RCW, and such professional, technical, and clerical personnel as may be deemed necessary to enable it to carry out its functions under this section and to contract for such services as may be necessary to enable them to carry out their evaluation functions.*

NEW SECTION. Sec. 17. Sections 1 through 11 of this amendatory act and RCW 28A.09.070, 28A.09.080, 28A.09.090, 28A.09.100, 28A.09.110, 28A.09.120 as now or hereafter amended, 28A.09.200, 28B.50.221, 28B.50.230 as now or hereafter amended, 28B.50.245 and 28B.50.246 as now or hereafter amended, each of which RCW sections are hereby decodified, are added to the Revised Code of Washington as a new title thereof, Title 28C, Vocational Education.

NEW SECTION. Sec. 18. The following acts or parts of acts are each hereby repealed:

(1) Section 28B.50.160, chapter 223, Laws of 1969 ex. sess., section 54, chapter 18, Laws of 1970 ex. sess. and RCW 28B.50.160;

(2) Section 28B.50.170, chapter 223, Laws of 1969 ex. sess., section 28, chapter 283, Laws of 1969 ex. sess., section 20, chapter 62, Laws of 1973 and RCW 28B.50.170;

(3) Section 28B.50.180, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.180;

(4) Section 28B.50.200, chapter 223, Laws of 1969 ex. sess., section 21, chapter 62, Laws of 1973 and RCW 28B.50.200;

(5) Section 28B.50.220, chapter 223, Laws of 1969 ex. sess., section 55, chapter 18, Laws of 1970 ex. sess. and RCW 28B.50.220; and

(6) Section 28B.50.770, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.770.

NEW SECTION. Sec. 19. This amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1975.

NEW SECTION. Sec. 20. If any provision of this amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected."

In line 3 of the title after "equipment;" strike the remainder of the title and insert "amending section 4, chapter 285, Laws of 1971 ex. sess. and RCW 28A.09.120; amending section 28B.50.230, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.230; amending section 28B.50.240, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 285, Laws of 1971 ex. sess. and RCW 28A.09.100; amending section 53, chapter 283, Laws of 1969 ex. sess. and RCW 28B.50.246; repealing section 28B.50.160, chapter 223, Laws of 1969 ex. sess., section 54, chapter 18, Laws of 1970 ex. sess. and RCW 28B.50.160; repealing section 28B.50.170, chapter 223, Laws of 1969 ex. sess., section 28, chapter 283, Laws of 1969 ex. sess., section 20, chapter 62, Laws of 1973 and RCW 28B.50.170; repealing section 28B.50.180, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.180; repealing section 28B.50.200, chapter 223, Laws of 1969 ex. sess., section 21, chapter 62, Laws of 1973 and RCW 28B.50.200; repealing section 28B.50.220, chapter 223, Laws of 1969 ex. sess., section 55, chapter 18, Laws of 1970 ex. sess. and RCW 28B.50.220; repealing section 28B.50.770, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.770; adding new sections as a new title in the Revised Code of Washington, Title 28C, Vocational Education, together with certain RCW sections herein decodified and added thereto; and declaring an emergency and making an effective date.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

Senator Sandison moved that the Senate concur in the House amendments to Engrossed Substitute Senate Bill No. 2463.

POINT OF INQUIRY

Senator Walgren: "Will Senator Sandison yield to a question? I am sorry, Senator Sandison, I really do not understand what these various amendments are on this thing. Would you object to holding it over until after lunch?"

Senator Sandison: "No. no objection."

MOTION

On motion of Senator Walgren, the House Message on Engrossed Substitute Senate Bill No. 2463, together with the motion by Senator Sandison that the Senate do concur in the House amendments thereto, was ordered held for further consideration following the noon recess.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of the House Message on Engrossed Senate Bill No. 2346.

MESSAGE FROM THE HOUSE

May 23, 1975.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2346 with the following amendments:

On page 2, line 3 of the engrossed bill, being line 4 of the Senate committee amendment, after "*sold*" insert "*not less than*".

On page 2, beginning on line 17 of the engrossed bill, after "*district*" strike all material down to and including "*dollars*" on line 18, striking the first amendment by Senator Woody.

On page 2, beginning on line 25 of the engrossed bill, after "*district*" strike all material down to and including "*dollars*" on line 26, striking the second amendment by Senator Woody, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Stortini, the Senate concurred in the House amendment to page 2, line 3 to Engrossed Senate Bill No. 2346 and refused to concur in the House amendments to page 2, lines 17 and 25 and asks the House to recede therefrom.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of the House Message on Engrossed Substitute Senate Bill No. 2423.

MESSAGE FROM THE HOUSE

May 23, 1975.

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 2423 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Section 1. Section 69, chapter 62, Laws of 1933 ex. sess. as last amended by section 1, chapter 178, Laws of 1969 ex. sess. and RCW 66.08.050 are each amended to read as follows:

The boards, subject to the provisions of this title and the regulations, shall

(1) determine the localities within which state liquor stores shall be established throughout the state, and the number and situation of the stores within each locality;

(2) appoint in cities and towns and other communities, in which no state liquor store is located, liquor vendors. Such liquor vendors shall be agents of the board and be authorized to sell liquor to such persons, firms or corporations as provided for the sale of liquor from a state liquor store, and such vendors shall be subject to such additional rules and regulations consistent with this title as the board may require;

(3) establish all necessary warehouses for the storing and bottling, diluting and rectifying of stocks of liquors for the purposes of this title;

(4) provide for the leasing for periods not to exceed [five] *ten* years of all premises required for the conduct of the business; and for remodeling the same, and the procuring of their furnishings, fixtures, and supplies; and for obtaining options of renewal of such leases by the lessee. The terms of such leases in all other respects shall be subject to the direction of the board;

(5) determine the nature, form and capacity of all packages to be used for containing liquor kept for sale under this title;

(6) execute or cause to be executed, all contracts, papers, and documents in the name of the board, under such regulations as the board may fix;

(7) pay all customs, duties, excises, charges and obligations whatsoever relating to the business of the board;

(8) require bonds from all employees in the discretion of the board, and to determine the amount of fidelity bond of each such employee;

(9) perform all other matters and things, whether similar to the foregoing or not, to carry out the provisions of this title, and shall have full power to do each and every act necessary to the conduct of its business, including all buying, selling, preparation and approval of forms, and every other function of the business whatsoever, subject only to audit by the state auditor.

Sec. 2. Section 1, chapter 38, Laws of 1967 and RCW 66.12.110 are each amended to read as follows:

A person twenty-one years of age or over may bring into the state from without the United States, free of tax and markup, for his personal or household use such alcoholic beverages as have been declared and permitted to enter the United States duty free under federal law.

Such entry of alcoholic beverages in excess of that herein provided may be authorized by the board upon payment of an equivalent markup and tax as would be applicable to the purchase of the same or similar liquor at retail from a state liquor store. The board shall adopt appropriate regulations pursuant to chapter 34.04 RCW for the purpose of carrying out the provisions of this section.

NEW SECTION. Sec. 3. There is added to chapter 66.12 RCW a new section to read as follows:

Notwithstanding any other provision of Title 66 RCW, a person twenty-one years of age or over may be authorized by the board to bring into the state of Washington from another state a reasonable amount of alcoholic beverages for personal or household use only upon payment of an equivalent markup and tax as would be applicable to the purchase of the same or similar liquor at retail from a state liquor store. The board shall adopt appropriate regulations pursuant to chapter 34.04 RCW for the purpose of carrying into effect the provisions of this section.

Sec. 4. Section 4, chapter 67, Laws of 1949 as last amended by section 7, chapter 209, Laws of 1973 1st ex. sess. and RCW 66.20.190 are each amended to read as follows:

In addition to the presentation by the holder and verification by the licensee or store employee of such card of identification, the licensee or store employee *who is still in doubt about the true age of the holder* shall require the person whose age may be in question to sign a certification card and record an accurate description and serial number of his card of identification thereon. Such statement shall be upon a five-inch by eight-inch file card, which card shall be filed alphabetically by the licensee or store employee at or before the close of business on the day on which the statement is executed, in the file box containing a suitable alphabetical index and the card shall be subject to examination by any peace officer or agent or employee of the board at all times.

The certification card shall also contain in bold-face type an affidavit stating that the signer understands that conviction for unlawful purchase of alcoholic beverages or misuse of the certification card may result in criminal penalties including imprisonment or fine or both.

Sec. 5. Section 27, chapter 62, Laws of 1933 ex. sess. as last amended by section 1, chapter 66, Laws of 1974 ex. sess. and RCW 66.24.010 are each amended to read as follows:

(1) Every license shall be issued in the name of the applicant and the holder thereof shall not allow any other person to use the license.

(1) Every license shall be issued in the name of the applicant and the holder thereof shall not allow any other person to use the license.

(2) For the purpose of considering any application for a license, the board may cause an inspection of the premises to be made, and may inquire into all matters in connection with the construction and operation of the premises. The board may, in its discretion, grant or refuse the license applied for. No retail license of any kind shall be issued to:

(a) [A person who is not a citizen of the United States, except when the privilege is granted by treaty;

(b)] A person who has not resided in the state for at least one month prior to

making application, except in cases of licenses issued to dining places on railroads, boats, or aircraft;

[(c)] (b) A person who has been convicted of a felony within five years prior to filing his application *except as otherwise provided by chapter 9.96A RCW*;

[(d)] (c) A copartnership, unless all of the members thereof are qualified to obtain a license, as provided in this section;

[(e)] (d) A person whose place of business is conducted by a manager or agent, unless such manager or agent possesses the same qualifications required of the licensee;

[(f)] (e) A corporation, unless [all of the officers thereof are citizens of the United States] *it was created under the laws of the state of Washington or holds a certificate of authority to transact business in the state of Washington*.

(3) The board may, in its discretion, subject to the provisions of RCW 66.08.150, suspend or cancel any license; and all rights of the licensee to keep or sell liquor thereunder shall be suspended or terminated, as the case may be. The board may appoint examiners who shall have power to administer oaths, issue subpoenas for the attendance of witnesses and the production of papers, books, accounts, documents, and testimony, examine witnesses, and to receive testimony in any inquiry, investigation, hearing, or proceeding in any part of the state, under such rules and regulations as the board may adopt.

Witnesses shall be allowed fees at the rate of four dollars per day, plus ten cents per mile each way. Fees need not be paid in advance of appearance of witnesses to testify or to produce books, records, or other legal evidence.

In case of disobedience of any person to comply with the order of the board or a subpoena issued by the board, or any of its members, or examiners, or on the refusal of a witness to testify to any matter regarding which he may be lawfully interrogated, the judge of the superior court of the county in which the person resides, on application of any member of the board or examiner, shall compel obedience by contempt proceedings, as in the case of disobedience of the requirements of a subpoena issued from said court or a refusal to testify therein.

(4) Upon receipt of notice of the suspension or cancellation of a license, the licensee shall forthwith deliver up the license to the board. Where the license has been suspended only, the board shall return the license to the licensee at the expiration or termination of the period of suspension, with a memorandum of the suspension written or stamped upon the face thereof in red ink. The board shall notify all vendors in the city or place where the licensee has its premises of the suspension or cancellation of the license; and no employee shall allow or cause any liquor to be delivered to or for any person at the premises of that licensee.

(5) Unless sooner canceled, every license issued by the board shall expire at midnight of the thirtieth day of June of the fiscal year for which it was issued: PROVIDED, That the foregoing expiration date shall not apply to class A, B, C, D, or H licenses issued for premises located on the site of any world exposition approved by the Bureau of International Expositions held in this state, and such licenses shall be valid without renewal for a period of two hundred days from and including the opening day of such exposition, or from and including such earlier date specified by the applicant.

(6) Every licensee issued under this section shall be subject to all conditions and restrictions imposed by this title or by the regulations in force from time to time.

(7) Every licensee shall post and keep posted its license, or licenses, in a conspicuous place on the premises.

(8) Before the board shall issue a license to an applicant it shall give notice of such application to the chief executive officer of the incorporated city or town, if the application be for a license within an incorporated city or town, or to the board of county commissioners, if the application be for a license outside the boundaries of incorporated cities or towns; and such incorporated city or town, through the official or employee selected by it, or the board of county commissioners or the official or employee, selected by it, shall have the right to file with the board within twenty days after date of transmittal of such notice, written objections against the applicant or against the premises for which the license is asked, and shall include with such objections a statement of all facts

upon which such objections are based, and in case written objections are filed, may request and the liquor control board may in its discretion hold a formal hearing subject to the applicable provisions of chapter 34.04 RCW, as now or hereafter amended. Upon the granting of a license under this title the board shall cause a duplicate of the license to be transmitted to the chief executive officer of the incorporated city or town in which the license is granted, or to the board of county commissioners if the license is granted outside the boundaries of incorporated cities or towns.

(9) Before the board issues any license to any applicant, it shall give due consideration to the location of the business to be conducted under such license with respect to the proximity of churches, schools and public institutions: PROVIDED, That the board shall issue no beer retailer license class A, B, or D or wine retailer license class C covering any premises not now licensed, if such premises are within five hundred feet of the premises of any church, parochial, or tax-supported public elementary or secondary school measured along the most direct route over or across established public walks, streets, or other public passageway from the outer property line of the church or school grounds to the nearest public entrance of the premises proposed for license, unless the board shall receive written notice from an official representative or representatives of the schools and/or churches within five hundred feet of said proposed licensed premises, indicating to the board that there is no objection to the issuance of such license because of the proximity to a school or church. For the purpose of this section, church shall mean a building erected for and used exclusively for religious worship and schooling or other activity in connection therewith.

(10) The restrictions set forth in the preceding subsection shall not prohibit the board from authorizing the transfer of existing licenses now located within the restricted area to other persons or locations within the restricted area: PROVIDED, Such transfer shall in no case result in establishing the licensed premises closer to a church or school than it was before the transfer.

(11) *It shall be unlawful to sell any intoxicating liquors, with or without a license on the grounds of any college, university, or community college supported in whole or in part by state funds, except to the extent liquor may be served but not sold under banquet permits issued pursuant to RCW 66.24.490.*

Sec. 6. Section 90, chapter 62, Laws of 1933 ex. sess. as last amended by section 6, chapter 217, Laws of 1937 and RCW 66.28.010 are each amended to read as follows:

No manufacturer, importer, or wholesaler, or person financially interested, directly or indirectly, in such business, whether resident or nonresident, shall have any financial interest, direct or indirect, in any licensed retail business, nor shall any manufacturer or wholesaler own any of the property upon which such licensed persons conduct their business, nor shall any such licensed person, under any arrangement whatsoever, conduct his business upon property in which any manufacturer or wholesaler has any interest, nor shall any manufacturer or wholesaler advance moneys or moneys' worth to any such licensed person under any arrangement whatsoever, nor shall any such licensed person receive, under any arrangement whatsoever, any such advance of moneys or moneys' worth. No manufacturer, importer, or wholesaler shall be eligible to receive or hold a retail license under this title, nor shall such manufacturer or wholesaler sell at retail any liquor as herein defined: *PROVIDED, That nothing in this section shall prohibit a licensed brewer or domestic winery from being licensed as a retailer pursuant to chapter 66.24 RCW for the purpose of selling beer or wine of its own production at retail on the brewery or winery premises. Such beer and wine so sold at retail shall be subject to the taxes imposed by RCW 66.24.290 and RCW 66.24.210 and to reporting and bonding requirements as prescribed by regulations adopted by the board pursuant to chapter 34.04 RCW.*

Financial interest, direct or indirect, as used in this section, shall include any interest, whether by stock ownership, mortgage, lien, or through interlocking directors, or otherwise.

Sec. 7. Section 14, chapter 21, Laws of 1969 ex. sess. as amended by section 3, chapter 275, Laws of 1969 ex. sess. and RCW 66.28.025 are each amended to read as follows:

No manufacturer of wine, or person financially interested, directly, in such business, whether resident or nonresident, shall have any financial interest, direct or indirect, in the business of any licensed wine wholesaler, nor shall any manufacturer of wine own any of the property upon which such licensed persons conduct their business, nor shall any such licensed person under any arrangement whatsoever, conduct his business upon property in which any manufacturer of wine has any interest, nor shall any manufacturer of wine advance money or moneys' worth other than such credit allowances customarily extended in the ordinary course of such business between wholesalers and manufacturers on purchases of inventories to any such licensed person under any arrangement whatsoever, nor shall any such licensed person receive, under any arrangement whatsoever, any such advance of money or moneys; worth other than such credit allowances: PROVIDED, That the provisions of this section shall not [apply to any] *require the divesting of any such financial interest or arrangement which was held by any licensed liquor importer, beer importer, beer wholesaler, wine wholesaler, domestic winery or domestic brewery [which was licensed] as of [the date of passage of this 1969 amendatory act] July 1, 1969: PROVIDED FURTHER, That in the event of the sale of such business licensed as a liquor importer, beer importer, beer wholesaler, wine wholesaler, domestic winery or domestic brewery the exclusion of the foregoing proviso shall not apply.*

Sec. 8. Section 27-D added to chapter 62, Laws of 1933 ex. sess. by section 8, chapter 172, Laws of 1939 as amended by section 6, chapter 21, Laws of 1969 ex. sess. and RCW 66.28.030 are each amended to read as follows:

Every licensed brewer, domestic winery, *manufacturer holding a certificate of approval*, licensed wine importer and licensed beer importer shall be responsible for the conduct of any licensed beer or wine wholesaler in selling, or contracting to sell, to retail licensees, beer or wine manufactured by such brewer, domestic winery, *manufacturer holding a certificate of approval* or imported by such beer or wine importer. Where the board finds that any licensed beer or wine wholesaler has violated any of the provisions of this title or of the regulations of the board in selling or contracting to sell beer or wine to retail licensees, the board may, in addition to any punishment inflicted or imposed upon such wholesaler, prohibit the sale of the brand or brands of beer or wine involved in such violation to any or all retail licensees within the trade territory usually served by such wholesaler for such period of time as the board may fix, irrespective of whether the brewer manufacturing such beer or the beer importer importing such beer or the domestic winery manufacturing such wine or the wine importer importing such wine *or the certificate of approval holder manufacturing such beer or wine actually participated in such violation.*

NEW SECTION. Sec. 9. There is added to chapter 62, Laws of 1933 ex. sess. and to chapter 66.28 RCW a new section to read as follows:

The legislature finds the furnishing of samples of liquor to the state liquor control board is an integral and essential part of the operation of the state liquor business. The legislature further finds that it is necessary to establish adequate standards for the accountability of the receipt, use and disposition of liquor samples. The board shall adopt appropriate regulations pursuant to chapter 34.04 RCW for the purpose of carrying out the provisions of this section.

Sec. 10. Section 30, chapter 62, Laws of 1933 ex. sess. as last amended by section 7, chapter 21, Laws of 1969 ex. sess. and RCW 66.28.040 are each amended to read as follows:

No brewer, wholesaler, distiller, winery, *importer, rectifier*, or other manufacturer of liquor shall, within the state, by himself, his clerk, servant, or agent, give to any person any liquor; but nothing in this section shall prevent the furnishing of samples of liquor to the board for the purpose of negotiating the sale of liquor to the state liquor control board, and nothing in this section shall prevent a brewer from serving beer without charge, on the brewery premises [to employees and casual visitors], and nothing in this [act] *section* shall prevent a domestic winery from [selling or] serving wine [of its own production] without charge, on the winery premises [to employees

and casual visitors. Such wine so sold shall be subject to the tax imposed by RCW 66.24.210].

NEW SECTION. Sec. 11. There is added to chapter 62, Laws of 1933 ex. sess. and to chapter 66.24 RCW a new section to read as follows:

The board may refund the tax on wine imposed by RCW 66.24.210, and the tax on beer imposed by RCW 66.24.290, when such taxpaid products have been deemed to be unsalable and are destroyed within the state in accordance with procedures established by the board.

NEW SECTION. Sec. 12. There is added to chapter 62, Laws of 1933 ex. sess. and to chapter 66.24 RCW a new section to read as follows:

There shall be a spirituous liquor retailer's license to be designated as class K; a special license to a nonprofit organization to sell spirituous liquor as defined in RCW 66.24.410 by the glass, including mixed drinks and cocktails compounded or mixed on the premises only, to their members and invited guests at special occasions at a specified date and place when said special occasion is not open to the general public; fee twenty-five dollars per day. Sale, service, and consumption of spirituous liquor is to be confined to specified premises or designated areas only. Spirituous liquor so sold shall be purchased at a state liquor store or agency without discount at retail prices including all taxes. No more than two such licenses may be issued to any one non-profit organization during a calendar year.

NEW SECTION. Sec. 13. If any phrase, clause, subsection, or section of this 1975 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 1975 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. 14. This 1975 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1975."

In line 1 of the title, after "liquor;" strike the remainder of the title and insert the following: "amending section 69, chapter 62, Laws of 1933 ex. sess. as last amended by section 1, chapter 178, Laws of 1969 ex. sess. and RCW 66.08.050; amending section 1, chapter 38, Laws of 1967 and RCW 66.12.110; amending section 4, chapter 67, Laws of 1949 as last amended by section 7, chapter 209, Laws of 1973 1st ex. sess. and RCW 66.20.190; amending section 27, chapter 62, Laws of 1933 ex. sess. as last amended by section 1, chapter 66, Laws of 1974 ex. sess. and RCW 66.24.010; amending section 90, chapter 62, Laws of 1933 ex. sess. as last amended by section 6, chapter 217, Laws of 1937 and RCW 66.28.010; amending section 14, chapter 21, Laws of 1969 ex. sess. as amended by section 3, chapter 275, Laws of 1969 ex. sess. and RCW 66.28.025; amending section 27-D added to chapter 62, Laws of 1933 ex. sess. by section 8, chapter 172, Laws of 1939 as amended by section 6, chapter 21, Laws of 1969 ex. sess. and RCW 66.28.030; amending section 30, chapter 62, Laws of 1933 ex. sess. as last amended by section 7, chapter 21, Laws of 1969 ex. sess. and RCW 66.28.040; adding a new section to chapter 66.12 RCW; adding a new section to chapter 62, Laws of 1933 ex. sess. and to chapter 66.28 RCW; adding new sections to chapter 62, Laws of 1933 ex. sess. and to chapter 66.24 RCW; prescribing penalties; providing an effective date; and declaring emergency.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

Senator Rasmussen moved that the Senate concur in the House amendments to Engrossed Substitute Senate Bill No. 2423.

Debate ensued.

The motion by Senator Rasmussen carried and the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 2423.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2423, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 38; nays, 9; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Gould, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, Newschwander, North, Odegaard, Pullen, Rasmussen, Sandison, Scott, Sellar, Stortini, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson, Woody—38.

Voting nay: Senators Bottiger, Francis, Goltz, Grant, McDermott, Peterson, Rider, Talley, von Reichbauer—9.

Excused: Senators Lewis (Harry), Murray—2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2423, 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 12:28 p.m., on motion of Senator Mardesich, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

MOTION

On motion of Senator Mardesich, the Senate resumed consideration of the House Message on Engrossed Senate Bill No. 2623. On May 22, 1975, Senator Marsh moved the Senate do concur in the House amendment to Engrossed Senate Bill No. 2623. Earlier today, Senator Pullen raised the Point of Order on the House amendment.

RULING BY THE PRESIDENT

The President: "In ruling on the point of order as raised by Senator Pullen, the President determines that Senate Bill 2623 is a measure which simply provides that the prosecuting attorney shall receive reports on child abuse. The proposed amendment is actually the content of House Bill 44 which makes many other changes in the child abuse statutes. The amendment therefore does change the scope and object of the bill."

The House amendment was ruled out of order.

MOTION

On motion of Senator Marsh, the Senate refused to concur in the House amendment to Engrossed Senate Bill No. 2623 and asks the House for a conference thereon.

MESSAGE FROM THE HOUSE

May 23, 1975.

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 2611 with the following amendments:

On page 2, line 4 of the engrossed bill, being line 4 of the printed bill as amended by the Senate committee amendment, after "each" strike "*special primary or general election*" and insert "*primary and after each election, special or general*"

On page 2, line 8 of the engrossed bill, being lines 7 and 8 of the printed bill, after "general]" strike "*that*" and insert "*each such primary and each such*", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Beck, the Senate concurred in the House amendments to Engrossed Senate Bill No. 2611.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2611, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 37; nays, 5; absent or not voting, 6; excused, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gould, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, Newschwander, North, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Stortini, Van Hollebeke, von Reichbauer, Walgren, Washington—37.

Voting nay: Senators Goltz, McDermott, Odegard, Wilson, Woody—5.

Absent or not voting: Senators Bottiger, Grant, Guess, Sellar, Talley, Wanamaker—6.

Excused: Senator Murray—1.

ENGROSSED SENATE BILL NO. 2611, 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 Lewis (R. H. "Bob"), Senators Wanamaker and Guess were excused.

On motion of Senator Sandison, the Senate resumed consideration of the House Message on Engrossed Substitute Senate Bill No. 2463.

Earlier today, Senator Sandison moved that the Senate concur in the House amendments to Engrossed Substitute Senate Bill No. 2463.

The motion by Senator Sandison carried and the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 2463.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2463, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; nays, 2; absent or not voting, 1; excused, 3.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, von Reichbauer, Walgren, Washington, Wilson, Woody—43.

Voting nay: Senators Grant, Van Hollebeke—2.

Absent or not voting: Senator Bottiger—1.

Excused: Senators Guess, Murray, Wanamaker—3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2463, 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 23, 1975.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2634 with the following amendments:

On page 1, line 10, after "per diem" strike and "and mileage" and insert ", mileage, and incidental expense"

On page 1, line 11, after "prescribed in" strike "RCW 44.04.120" and insert "chapter 44.04 RCW", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Lewis (Harry), the Senate concurred in the House amendments to Engrossed Senate Bill No. 2634.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2634, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 1; excused, 3.

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

Absent or not voting: Senator Bottiger—1.

Excused: Senators Guess, Murray, Wanamaker—3.

ENGROSSED SENATE BILL NO. 2634, 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 Lewis (R. H. "Bob"), Senator Jones was excused.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Senate Bill No. 2210 and the House amendments thereto: Senators Stortini, Gould and Van Hollebeke.

MOTION

On motion of Senator Sandison, the Conference Committee appointments were confirmed.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Senate Bill No. 2623 and the House amendments thereto: Senators Day, Cunningham and Marsh.

MOTION

On motion of Senator Walgren, the Conference Committee appointments were confirmed.

MOTION

At 2:10 p.m., on motion of Senator Lewis (Harry), the Senate recessed until 3:37 p.m.

SECOND AFTERNOON SESSION

The President called the Senate to order at 3:37 p.m.

MOTION

On motion of Senator Walgren, the Senate commenced consideration of the House Message on Engrossed Substitute Senate Bill No. 2727.

MESSAGE FROM THE HOUSE

May 23, 1975.

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 2727 with the following amendment:

On page 1, line 23, after "That" strike all the matter down to and including "act" on line 25, and insert "in the case of a port district when commissioners are receiving compensation and contributing to the Public Employees Retirement System, these benefits" and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Sellar, the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 2727.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2727, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 4; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goitz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegaard, Pullen, Rasmussen, Rider, Sandison, Scott, Sellar, Stortini, Van Hollebeke, von Reichbauer, Walgren, Wilson, Woody—43.

Absent or not voting: Senators Mardesich, Peterson, Talley, Washington—4.

Excused: Senator Murray, Wanamaker—3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2727, 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.

RESIGNATION FROM CONFERENCE COMMITTEE

There being no objection, Senator Cunningham resigned from the Conference Committee on Engrossed Senate Bill No. 2623.

APPOINTMENT TO CONFERENCE COMMITTEE

The President appointed as a member of the Conference Committee on Engrossed Senate Bill No. 2623 to replace Senator Cunningham, Senator North.

MOTION

On motion of Senator Day, the appointment was confirmed.

MOTION

On motion of Senator Walgren, the House Message on Engrossed Substitute Senate Bill No. 2737 was ordered held for consideration on Wednesday, May 28, 1975.

MESSAGE FROM THE HOUSE

May 23, 1975.

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 2006 with the following amendments:

Strike all of the bill following the enacting clause and insert the following:

NEW SECTION. Section 1. As used in this chapter the following words and phrases shall have the following meanings unless the context clearly requires otherwise:

- (1) "Department" means the department of veterans affairs;
- (2) "Director" means the director of the department of veterans affairs;
- (3) "Committee" means the veterans affairs advisory committee.

NEW SECTION. Sec. 2. There is hereby created a department of state government to be known as the department of veterans affairs. All powers, duties, and functions now or through action of this legislature vested by law in the department of social and health services relating to veterans and veteran affairs are transferred to the department, except those powers, duties, and functions which are expressly directed elsewhere by law. Powers, duties, and functions to be transferred shall include, but not be limited to, all those powers, duties, and functions involving cooperation with other governmental units, such as cities and counties, or with the federal government, in particular those concerned with participation in federal grants-in-aid programs. Also transferred to the department shall be the powers, duties, and functions of the bonus division of the treasurer's office: PROVIDED, That such transfer shall not occur until the bonus division completes its current duties of accepting and processing bonus claims arising from the Viet Nam conflict. This section shall not be construed to continue the powers, duties and functions of said bonus division beyond a time when such powers, duties or functions would otherwise cease.

NEW SECTION. Sec. 3. The executive head and appointing authority of the department shall be the director of veterans affairs. The director shall be an honorably discharged or retired veteran of the armed forces of the United States and shall be appointed by the governor with the consent of the senate and shall serve at the pleasure of the governor. The director shall be paid a salary to be fixed by the governor in accordance with the provisions of RCW 43.03.040. If a vacancy occurs in the position of director while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate, when the governor shall present the nomination for the office to that body.

NEW SECTION. Sec. 4. The director of the department of veterans affairs shall have the power and it shall be the director's duty:

- (1) To conduct, control, and supervise the department;
- (2) To appoint and employ and to determine the powers and duties together with the salaries and other expenses of such clerical and other personnel, subject to the provisions of chapter 41.06 RCW, as are necessary to carry out the duties of the department; and
- (3) To perform all other matters and things, whether similar to the foregoing or not, to carry out the provisions of this chapter.

NEW SECTION. Sec. 5. The director may appoint such assistants and executive staff as shall be needed to administer the department, all of whom shall be veterans. The director shall designate a deputy from the executive staff who shall have charge and general supervision of the department in the absence or disability of the director, and in case of a vacancy in the office of director, shall continue in charge of the department until a successor is appointed and qualified, or until the governor shall appoint an acting director.

NEW SECTION. Sec. 6. The director may delegate any power or duty vested in or transferred to the director by law or executive order to a deputy director or to any other assistant or subordinate, but the director shall be responsible for the official acts of the officers and employees of the department.

NEW SECTION. Sec. 7. There is added to chapter 41.06 RCW a new section to read as follows:

In addition to the exemptions set forth in RCW 41.06.070, the provisions of this chapter shall not apply in the department of veterans affairs to the director, the deputy director, and to no more than two assistants.

NEW SECTION. Sec. 8. In addition to other powers and duties, the director is authorized:

(1) To cooperate with officers and agencies of the United States in all matters affecting veterans affairs:

(2) To accept grants, donations, and gifts on behalf of this state for veterans affairs from any person, corporation, government, or governmental agency, made for the benefit of a former member of the armed forces of this or any other country;

(3) To be custodian of all the records and files of the selective service system in Washington that may be turned over to this state by the United States or any department, bureau, or agency thereof; and to adopt and promulgate such rules and regulations as may be necessary for the preservation of such records and the proper use thereof in keeping with their confidential nature;

(4) To act without bond as conservator of the estate of a beneficiary of the veterans administration when the director determines no other suitable person will so act;

(5) To extend on behalf of the state of Washington such assistance as the director shall determine to be reasonably required to any veteran and to the dependents of any such veteran;

(6) To adopt rules and regulations pursuant to chapter 34.04 RCW with respect to all matters of administration to carry into effect the purposes of this section. Such proposed rules and regulations shall be submitted by the department at the time of filing notice with the code reviser as required by RCW 34.04.025 to the respective legislative committees of the senate and of the house of representatives dealing with the subject of veterans affairs legislation through the offices of the secretary of the senate and chief clerk of the house of representatives.

NEW SECTION. Sec. 9. All employees and personnel of the department of social and health services directly engaged in services to veterans shall, on the effective date of this amendatory act, be transferred to the jurisdiction of the department of veterans affairs. All employees classified under chapter 41.06 RCW, the state civil service law, shall be assigned to the department to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing the state civil service law.

NEW SECTION. Sec. 10. All reports, documents, surveys, books, records, files, papers, or other writings in the possession of all departments and agencies of state government concerned with veterans services, and pertaining to the functions affected by this chapter, shall be delivered to the custody of the department of veterans affairs. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed in carrying out the powers and duties transferred by this chapter shall be made available to the department. All funds, credits, or other assets held in connection with the functions transferred by this chapter shall be assigned to the department.

Any appropriations made to the department of social and health services or other departments or agencies affected by this chapter for the purpose of carrying out the powers and duties transferred by this chapter, shall on the effective date of this amendatory act, be transferred and credited to the department of veterans affairs for the purpose of carrying out such transferred powers and duties.

Whenever any question arises as to the transfer of any funds, including unexpended balances within any accounts, books, documents, records, papers, files, equipment, or any other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred under this chapter, the director of program planning and fiscal management or successor thereto shall make a determination as to the proper allocation and certify the same to the state departments and agencies concerned.

NEW SECTION. Sec. 11. All rules and regulations, and all pending business before the departments and agencies or divisions thereof affected by this chapter pertaining to matters transferred by this chapter, as of the effective date of this amendatory act, shall be continued and acted upon by the department. All existing contracts and obligations pertaining to the functions transferred by this chapter shall remain in full force and effect, and shall be performed by the department. Neither the transfer of any department or agency, or division thereof, nor any transfer of powers, duties, and functions, shall affect the validity of any act performed by such department or agency or di-

vision thereof or any officer or employee thereof prior to the effective date of this amendatory act.

NEW SECTION. Sec. 12. If apportionments of budgeted funds are required because of the transfers authorized by this chapter, the director of program planning and fiscal management shall certify such apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with such certification.

NEW SECTION. Sec. 13. In furtherance of the policy of the state to cooperate with the federal government in all of the programs included in this chapter, such rules and regulations as may become necessary to entitle the state to participate in federal funds may be adopted, unless the same be expressly prohibited by law. Any internal reorganization carried out under the terms of this chapter shall meet federal requirements which are a necessary condition to state receipt of federal funds. Any section or provision of this chapter which may be susceptible to more than one construction shall be interpreted in favor of the construction most likely to comply with federal laws entitling this state to receive federal funds for the various programs of the department. If any part of this chapter is ruled to be in conflict with federal requirements which are a prescribed condition of the allocation of federal funds to the state, or to any departments or agencies thereof, such conflicting part of this chapter is declared to be inoperative solely to the extent of the conflict.

NEW SECTION. Sec. 14. (1) There is hereby created a state veterans affairs advisory committee which shall serve in an advisory capacity to the director of the department of veterans affairs. The committee shall be composed of nine members to be appointed by the governor, and shall consist of two veterans at large, one of whom shall be a Viet Nam era veteran, and one representative of each of the following congressionally chartered veterans organizations: American Legion, Veterans of Foreign Wars, American veterans of World War II, Korea and Viet Nam, Disabled American Veterans, Military Order of the Purple Heart, Marine Corps League, and Veterans of World War I. The seven members representing the foregoing organizations shall be chosen from a list of twenty-one nominees consisting of three names submitted to the governor by each of the named organizations. The first members of the committee shall hold office as follows: Three members to serve two years; three members to serve three years; and three members to serve four years. Upon expiration of said original terms; subsequent appointments shall be for four years except in the case of a vacancy, in which event appointment shall be only for the remainder of the unexpired term for which the vacancy occurs. No member shall serve more than two consecutive terms.

(2) The state advisory committee shall have the following powers and duties:

(a) To serve in an advisory capacity to the director and the governor on all matters pertaining to the department of veterans affairs;

(b) To acquaint themselves fully with the operations of the department and recommend such changes to the director as they deem advisable.

(3) Members of the state advisory committee shall receive no compensation for the performance of their duties but shall receive a per diem allowance and mileage expense according to the provisions of chapter 43.03 RCW.

NEW SECTION. Sec. 15. Nothing in this chapter shall be construed to affect any existing rights acquired under RCW 43.17.010, 43.17.020, 43.61.030, 43.61.040, 43.61.050, or 43.61.070, as now or hereafter amended, except as to the governmental agencies referred to and their officials and employees, nor as affecting any actions, activities, or proceedings validated thereunder, nor as affecting any civil or criminal proceedings instituted thereunder, nor any rule, regulation, or order promulgated thereunder, nor any administrative action taken thereunder; and neither the abolition of any agency or division thereof nor any transfer of powers, duties, and functions as provided herein, shall affect the validity of any act performed by such agency or division thereof or any officer thereof prior to the effective date of this amendatory act.

NEW SECTION. Sec. 16. Nothing contained in this chapter shall be construed to alter any existing collective bargaining unit or the provisions of any existing collective

bargaining agreement until any such agreement has expired or until any such bargaining unit has been modified by action of the personnel board as provided by law.

NEW SECTION. Sec. 17. The rule of strict construction shall have no application to this chapter and it shall be liberally construed in order to carry out the objective for which it is designed, in accordance with the legislative intent to give the director the maximum possible freedom in carrying the provisions of this chapter into effect.

NEW SECTION. Sec. 18. Sections 1 through 6 and 8 through 17 of this amendatory act shall constitute a new chapter in Title 43 RCW.

Sec. 19. Section 1, chapter 11, Laws of 1971 and RCW 43.17.010 are each amended to read as follows:

There shall be departments of the state government which shall be known as (1) the department of social and health services, (2) the department of ecology, (3) the department of labor and industries, (4) the department of agriculture, (5) the department of fisheries, (6) the department of game, (7) the department of highways, (8) the department of motor vehicles, (9) the department of general administration, (10) the department of commerce and economic development, (11) *the department of veterans affairs*, and [(11)] (12) the department of revenue, which shall be charged with the execution, enforcement, and administration of such laws, and invested with such powers and required to perform such duties, as the legislature may provide.

Sec. 20. Section 2, chapter 11, Laws of 1971 and RCW 43.17.020 are each amended to read as follows:

There shall be a chief executive officer of each department to be known as: (1) The secretary of social and health services, (2) the director of ecology, (3) the director of labor and industries, (4) the director of agriculture, (5) the director of fisheries, (6) the director of game, (7) the director of highways, (8) the director of motor vehicles, (9) the director of general administration, (10) the director of commerce and economic development, (11) *the director of veterans affairs*, and [(11)] (12) the director of revenue.

Such officers, except the director of highways and the director of game, shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. If a vacancy occurs while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate, when he shall present to that body his nomination for the office. The director of highways shall be appointed by the state highway commission, and the director of game shall be appointed by the game commission.

Sec. 21. Section 43.61.030, chapter 8, Laws of 1965 as last amended by section 5, chapter 189, Laws of 1971 ex. sess. and RCW 43.61.030 are each amended to read as follows:

The [secretary] *director of veterans affairs* is empowered to approve expenditures by any veterans' organizations, now or hereafter chartered by act of congress and to reimburse such organizations therefor. All sums paid to veterans' organizations shall be used by the organizations in the maintenance of a rehabilitation service and to assist veterans in the prosecution of their claims and the solution of their problems arising out of military service. Such service and assistance shall be rendered all veterans and their dependents and also all beneficiaries of any military claim, and shall include but not be limited to those services now rendered by the service departments of the respective [council] member organizations.

Sec. 22. Section 43.61.040, chapter 8, Laws of 1965 as last amended by section 6, chapter 189, Laws of 1971 ex. sess. and RCW 43.61.040 are each amended to read as follows:

The [secretary] *director of veterans affairs* shall make such rules and regulations as may be necessary to carry out the purposes of this chapter. The department shall furnish information, advice, and assistance to veterans and coordinate all programs and services in the field of veterans' claims service, education, health, vocational guidance and placement, and [welfare] *services* not provided by some other agency of the state or by the federal government. The [secretary] *director* shall submit a report of the departments' activities hereunder before the fifteenth of January of each year to the governor.

Sec. 23. Section 43.61.050, chapter 8, Laws of 1965 as amended by section 35,

chapter 18, Laws of 1970 ex. sess. and RCW 43.61.050 are each amended to read as follows:

There is created in the state treasury a fund to be known as the veterans' [rehabilitation council] *affairs* account and no money shall be withdrawn therefrom except by warrant of the state treasurer for claims approved by the [secretary] *director of veterans affairs and filed on proper forms.*

Sec. 24. Section 43.61.070, chapter 8, Laws of 1965 as amended by section 36, chapter 18, Laws of 1970 ex. sess. and RCW 43.61.070 are each amended to read as follows:

Payments to any veterans' organization shall first be approved by the [secretary] director of veterans affairs and insofar as possible shall be made on an equitable basis for work done.

NEW SECTION. Sec. 25. If any provision of this amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected."

On page 1, line 13 of the title, after "43.61.070;" insert "adding a new section to chapter 41.06 RCW; and".

On page 1, line 14 of the title, after "43 RCW", insert a period and strike the remainder of the title., 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. 2006.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2006, 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 Bailey, Beck, Benitz, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Woody—45.

Voting nay: Senator Bluechel—1.

Absent or not voting: Senator Mardesich—1.

Excused: Senators Murray, Wanamaker—2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2006, 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 24, 1975.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2070 with the following amendment:

Strike everything after the enacting clause and insert:

"Section 1. Section 2, chapter 122, Laws of 1973 1st ex. sess. and RCW 7.68.020 are each amended to read as follows:

The following words and phrases as used in this chapter shall have the following meanings unless the context otherwise requires:

(1) "Department" means the department of labor and industries[;].

(2) "Criminal act" means an act committed or attempted in this state which is punishable as a felony or gross misdemeanor under the laws of this state: PROVIDED, That the operation of a motor vehicle, motorcycle, train, boat, or aircraft in violation of law

does not constitute a "criminal act" unless the injury or death was intentionally inflicted or the operation thereof was part of the commission of another criminal act as defined in this section: PROVIDED FURTHER: (a) That neither an acquittal in a criminal prosecution nor the absence of any such prosecution shall be admissible in any claim or proceeding under this chapter as evidence of the noncriminal character of the acts giving rise to such claim or proceeding; (b) that evidence of a criminal conviction arising from acts which are the basis for a claim or proceeding under this chapter shall be admissible in such claim or proceeding for the limited purpose of proving the criminal character of the acts; (c) that acts which, but for the insanity or mental irresponsibility of the perpetrator, would constitute criminal conduct shall be deemed to be criminal conduct within the meaning of this chapter.

(3) "Victim" means a resident of the state who suffers bodily injury or death as a proximate result of a criminal act of another person, the victim's own good faith and reasonable effort to prevent a criminal act, or his good faith effort to apprehend a person reasonably suspected of engaging in a criminal act. For the purposes of receiving benefits pursuant to this chapter, "victim" shall be interchangeable with "employee" or "workman" as defined in chapter 51.08 RCW *as now or hereafter amended*.

(4) "Child", "accredited school", "dependent", "beneficiary", "average monthly wage", "director", "injury", "invalid", "permanent partial disability", and "permanent total disability" shall have the meanings assigned to them in chapter 51.08 RCW *as now or hereafter amended*.

(5) "*Gainfully employed*" means engaging on a regular and continuous basis in a lawful activity from which a person derives a livelihood.

(6) "*Resident*", for the purpose of eligibility for benefits under this chapter, means a person who has been in this state for thirty days or has clearly signified an intent to remain in this state for at least thirty days.

Sec. 2. Section 6, chapter 122, Laws of 1973 1st ex. sess. and RCW 7.68.060 are each amended to read as follows:

For the purposes of applying for benefits under this chapter, the rights, privileges, responsibilities, duties, limitations and procedures contained in RCW 51.28.020, 51.28.030, 51.28.040 and 51.28.060 as now or hereafter amended shall apply: PROVIDED, That no compensation of any kind shall be available under this chapter if:

(1) An application for benefits is not received by the department within one hundred eighty days after the date of [injury] *the criminal act* or one hundred twenty days after the date of death of the victim, or the rights of dependents or beneficiaries accrued, if such is the case, or

(2) *The criminal act is not reported by the victim or someone on his behalf to a local police department or sheriff's office within seventy-two hours of its occurrence or, if it could not reasonably have been reported within that period, within seventy-two hours of the time when a report could reasonably have been made.*

Sec. 3. Section 7, chapter 122, Laws of 1973 1st ex. sess. and RCW 7.68.070 are each amended to read as follows:

The right to benefits under this chapter and the amount thereof will be governed insofar as is applicable by the provisions contained in chapter 51.32 RCW as now or hereafter amended except as provided in this section:

(1) The provisions contained in RCW [51.32.005,] 51.32.015, 51.32.030, 51.32.070, 51.32.073, 51.32.180, 51.32.190 and 51.32.200 as now or hereafter amended are not applicable to this chapter.

(2) Each victim injured as a result of a criminal act, or his family or dependents in case of death of the victim, are entitled to benefits in accordance with this chapter, and the rights, duties, responsibilities, limitations and procedures applicable to a workman as contained in RCW 51.32.010 as now or hereafter amended are applicable to this chapter.

(3) The limitations contained in RCW 51.32.020 as now or hereafter amended are applicable to claims under this chapter. In addition thereto, no person or spouse, child, or dependent of such person shall be entitled to benefits under this chapter when the injury for which benefits are sought, was:

(a) The result of consent, provocation or incitement by the victim [, was]

(b) The result of an act or acts committed by a person [residing] *living in the same household with the victim* [or];

(c) *The result of an act or acts committed by a person who is [a] at the time of the criminal act the spouse, child, parent, or sibling of the victim by the half or whole blood, adoption or marriage, [when the person injured sustained his injury as a] or the parent of the spouse of or sibling of the spouse of the victim by the half or whole blood, adoption, or marriage;*

(d) *The result of [his] the victim assisting, attempting, or committing a criminal act* [, or occurred]; or

(e) *Sustained while the victim was [resident] confined in any county or city jail, federal jail or prison or in any other federal institution, or any state correctional institution maintained and operated by the department of social and health services, prior to release from lawful custody; or confined or living in any other institution maintained and operated by the department of social and health services.*

(4) The benefits established upon the death of a workman and contained in RCW 51.32.050 as now or hereafter amended shall be the benefits obtainable under this chapter and provisions relating to payment contained in that section shall equally apply under this chapter: PROVIDED, That in the event [of] *the criminal act results in the death of a victim who was not gainfully employed at the time of [death] the criminal act, and who was not so employed for at least three consecutive months of the twelve months immediately preceding [injury,] the criminal act;*

(a) *Benefits payable to an eligible surviving spouse, where there are no children of the victim at the time of the criminal act who have survived him or where such spouse has legal custody of all of his children, shall be limited to burial expenses as provided in RCW 51.32.050 as now or hereafter amended and a lump sum payment of seven thousand five hundred dollars without reference to number of children, if any;*

(b) *Where any such spouse has legal custody of one or more but not all of such children, then such burial expenses shall be paid, and such spouse shall receive a lump sum payment of three thousand seven hundred fifty dollars and any such child or children not in the legal custody of such spouse shall receive a lump sum of three thousand seven hundred fifty dollars to be divided equally among such child or children;*

(c) *If no such spouse survives, then such burial expenses shall be paid, and each [eligible] surviving child of the victim at the time of the criminal act shall receive a lump sum payment of [two] three thousand [five] seven hundred fifty dollars up to a total of two such children and where there are more than two such children the sum of seven thousand five hundred dollars shall be divided equally among such children.*

No other benefits shall be paid or payable under these circumstances.

(5) The benefits established in RCW 51.32.060 as now or hereafter amended for permanent total disability *proximately caused by the criminal act* shall be the benefits obtainable under this chapter, and provisions relating to payment contained in that section shall apply under this chapter: PROVIDED, That in the event a victim [who is] *becomes permanently and totally disabled as a proximate result of the criminal act and was not gainfully employed at the time of [his injury, "wages", for the purpose of calculation of benefits, where required, shall be deemed to be] the criminal act, such victim shall receive monthly during the period of such disability the following percentages, where applicable, of the average monthly wage determined as of the date of the criminal act pursuant to RCW 51.08.018 as now or hereafter amended:*

(a) *If married at the time of the criminal act, twenty-nine percent of such average monthly wage.*

(b) *If married with one child at the time of the criminal act, thirty-four percent of such average monthly wage.*

(c) *If married with two children at the time of the criminal act, thirty-eight percent of such average monthly wage.*

(d) *If married with three children at the time of the criminal act, forty-one percent of such average monthly wage.*

(e) *If married with four children at the time of the criminal act, forty-four percent of such average monthly wage.*

(f) *If married with five or more children at the time of the criminal act, forty-seven percent of such average monthly wage.*

(g) *If unmarried at the time of the criminal act, twenty-five percent of such average monthly wage.*

(h) *If unmarried with one child at the time of the criminal act, thirty percent of such average monthly wage.*

(i) *If unmarried with two children at the time of the criminal act, thirty-four percent of such average monthly wage.*

(j) *If unmarried with three children at the time of the criminal act, thirty-seven percent of such average monthly wage.*

(k) *If unmarried with four children at the time of the criminal act, forty percent of such average monthly wage.*

(l) *If unmarried with five or more children at the time of the criminal act, forty-three percent of such average monthly wage.*

(6) The benefits established in RCW 51.32.080 as now or hereafter amended for permanent partial disability shall be the benefits obtainable under this chapter, and provisions relating to payment contained in that section shall equally apply under this chapter.

(7) The benefits established in RCW 51.32.090 as now or hereafter amended for temporary total disability shall be the benefits obtainable under this chapter, and provisions relating to payment contained in that section shall apply under this chapter: PROVIDED, That no person shall be eligible for temporary total disability benefits under this chapter [unless] if such person was not gainfully employed at the time of [his injury] the criminal act, and was not so employed for at least three consecutive months of the twelve months immediately preceding the criminal act.

(8) The benefits established in RCW 51.32.095 as now or hereafter amended for continuation of benefits during vocational rehabilitation shall be benefits obtainable under this chapter, and provisions relating to payment contained in that section shall apply under this chapter.

(9) The provisions for lump sum payment of benefits upon death or permanent total disability as contained in RCW 51.32.130 as now or hereafter amended shall apply under this chapter.

(10) The provisions relating to payment of benefits to, for or on behalf of workmen contained in RCW 51.32.040, 51.32.055, 51.32.100, 51.32.110, 51.32.120, 51.32.135, 51.32.140, 51.32.150, 51.32.160 and 51.32.210 as now or hereafter amended shall be applicable to payment of benefits to, for or on behalf of victims under this chapter.

Sec. 4. Section 8, chapter 122, Laws of 1973 1st ex. sess. and RCW 7.68.080 are each amended to read as follows:

The provisions of chapter 51.36 RCW as now or hereafter amended shall govern the provision of medical aid under this chapter except that:

(1) The provisions contained in RCW 51.36.030 and 51.36.040 as now or hereafter amended shall not apply to this chapter;

(2) The specific provisions of RCW 51.36.020 as now or hereafter amended relating to supplying emergency transportation shall not apply: PROVIDED, That when the injury to any victim is so serious as to require his being taken from the place of injury to a place of treatment, reasonable transportation costs to the nearest place of proper treatment shall be reimbursed from the fund established pursuant to RCW 7.68.090.

Sec. 5. Section 11, chapter 122, Laws of 1973 1st ex. sess. and RCW 7.68.110 are each amended to read as follows:

The provisions contained in chapter 51.52 RCW as now or hereafter amended relating to appeals shall govern appeals under this chapter: PROVIDED, That no provision contained in chapter 51.52 RCW concerning employers as parties to any settlement, appeal or other action shall apply to this chapter: PROVIDED FURTHER, That appeals taken from a decision of the board of industrial insurance appeals under this

chapter shall be governed by the provisions relating to judicial review of administrative decisions contained in RCW 34.04.130 and 34.04.140 as now or hereafter amended.

Sec. 6. Section 14, chapter 122, Laws of 1973 1st ex. sess. and RCW 7.68.140 are each amended to read as follows:

Information contained in the claim files and records of victims, under the provisions of this chapter, shall be deemed confidential and shall not be open to public inspection [other than]: *PROVIDED, That, except as limited by state or federal statutes or regulations, such information may be provided to public employees in the performance of their official duties [], but]: PROVIDED FURTHER, That except as otherwise limited by state or federal statutes or regulations a representative of a claimant, be it an individual or an organization, may review a claim file or receive specific information therefrom upon the presentation of the signed authorization of the claimant: PROVIDED FURTHER, That physicians treating or examining victims claiming benefits under this chapter or physicians giving medical advice to the department regarding any claim may, at the discretion of the department and as not otherwise limited by state or federal statutes or regulations, inspect the claim files and records of such victims, and other persons may, when rendering assistance to the department at any stage of the proceedings on any matter pertaining to the administration of this chapter, inspect the claim files and records of such victims at the discretion of the department and as not otherwise limited by state or federal statutes or regulations.*

NEW SECTION. Sec. 7. There is added to chapter 122, Laws of 1973 1st ex. sess. and to chapter 7.68 RCW a new section to read as follows:

Notwithstanding any other provision of law, all law enforcement, criminal justice, or other governmental agencies, or hospital; any physician or other practitioner of the healing arts; or any other organization or person having possession or control of any investigative or other information pertaining to any alleged criminal act or victim concerning which a claim for benefits has been filed under this chapter, shall, upon request, make available to and allow the reproduction of any such information by the section of the department administering this chapter or other public employees in their performance of their official duties under this chapter.

No person or organization, public or private, shall incur any legal liability by reason of releasing any such information to the director of labor and industries or the section of the department which administers this chapter or other public employees in the performance of their official duties under this chapter.

NEW SECTION. Sec. 8. There is added to chapter 122, Laws of 1973 1st ex. sess. and to chapter 7.68 RCW a new section to read as follows:

(1) Whenever any payment under this chapter is made because of clerical error, mistake of identity, innocent misrepresentation by or on behalf of the recipient thereof mistakenly acted upon, or any other circumstance of a similar nature, all not induced by fraud, the recipient thereof shall repay it and recoupment may be made from any future payments due to the recipient under this chapter: **PROVIDED,** That the department must make claim for such repayment or recoupment within one year of the making of any such payment or it will be deemed that any claim therefor has been waived: **PROVIDED FURTHER,** That the department may exercise its discretion to waive, in whole or in part, the amount of any such timely claim.

(2) Whenever any payment under this chapter has been made pursuant to an adjudication by the department, board, or any court and timely appeal therefrom has been made and the final decision is that any such payment was made pursuant to an erroneous adjudication, the recipient thereof shall repay it and recoupment may be made from any future payments due to the recipient under this chapter: **PROVIDED,** That the department may exercise its discretion to waive, in whole or in part, the amount thereof.

(3) Whenever any payment under this chapter has been induced by fraud the recipient thereof shall repay any such payment together with a penalty of fifty percent of the total of any such payments and the amount of such total sum may be recouped from any future payments due to the recipient under this chapter and the amount of the penalty shall be placed in the fund or funds established pursuant to RCW 7.68.090 as now or hereafter amended.

NEW SECTION. Sec. 9. There is added to chapter 122, Laws of 1973 1st ex. sess. and to chapter 7.68 RCW a new section to read as follows:

Notwithstanding the provisions of any of the sections, as now or hereafter amended, of Title 51 RCW which are made applicable to this chapter, the marital status of the all victims shall be deemed to be fixed as of the date of the criminal act. All references to the child or children living or conceived of the victim in this chapter shall be deemed to refer to such child or children as of the date of the criminal act unless the context clearly indicates the contrary.

Payments for or on account of any such child or children shall cease when such child is no longer a "child" as defined in RCW 51.32.005, as now or hereafter amended, or on the death of any such child whichever occurs first.

Payments to the victim or surviving spouse for or any account of any such child or children shall be made only when the victim or surviving spouse has legal custody of any such child or children. Where the victim or surviving spouse does not have such legal custody any payments for or on account of any such child or children shall be made to the person having legal custody of such child or children and the amount of payments shall be subtracted from the payments which would have been due the victim or surviving spouse had legal custody not been transferred to another person.

NEW SECTION. Sec. 10. There is added to chapter 122, Laws of 1973 1st ex. sess. and to chapter 7.68 RCW a new section to read as follows:

The rights, privileges, responsibilities, duties, limitations and procedures contained in this chapter shall apply to those claims filed pursuant to RCW 7.68.160. In respect to such claims, the department shall proceed in the same manner and with the same authority as provided in this chapter with respect to those claims filed pursuant to RCW 7.68.060 as now or hereafter amended.

NEW SECTION. Sec. 11. This amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Francis, the Senate concurred in the House amendment to Engrossed Senate Bill No. 2070.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2070, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 2; excused, 2.

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

Absent or not voting: Senators Bottiger, Mardesich—2.

Excused: Senators Murray, Wanamaker—2.

ENGROSSED SENATE BILL NO. 2070, 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 24, 1975.

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 2092 with the following amendments:

Strike all material after the enacting clause and insert the following:

"CHAPTER 9A.04
PRELIMINARY ARTICLE

NEW SECTION. Sec. 9A.040.010. TITLE, EFFECTIVE DATE, APPLICATION, SEVERABILITY, CAPTIONS. (1) This title shall be known and may be cited as the Washington Criminal Code and shall become effective on July 1, 1976.

(2) The provisions of this title shall apply to any offense committed on or after July 1, 1976, which is defined in this title or the general statutes, unless otherwise expressly provided or unless the context otherwise requires, and shall also apply to any defense to prosecution for such an offense.

(3) The provisions of this title do not apply to or govern the construction of and punishment for any offense committed prior to the effective date of this title, or to the construction and application of any defense to a prosecution for such an offense. Such an offense must be construed and punished according to the provisions of law existing at the time of the commission thereof in the same manner as if this title had not been enacted.

(4) If any provision of this title, or its application to any person or circumstance is held invalid, the remainder of the title, or the application of the provision to other persons or circumstances is not affected, and to this end the provisions of this title are declared to be severable.

(5) Chapter, section, and subsection captions are for organizational purposes only and shall not be construed as part of this title.

NEW SECTION. Sec. 9A.04.020. PURPOSES—PRINCIPLES OF CONSTRUCTION. (1) The general purposes of the provisions governing the definition of offenses are:

(a) To forbid and prevent conduct that inflicts or threatens substantial harm to individual or public interests;

(b) To safeguard conduct that is without culpability from condemnation as criminal;

(c) To give fair warning of the nature of the conduct declared to constitute an offense;

(d) To differentiate on reasonable grounds between serious and minor offenses, and to prescribe proportionate penalties for each.

(2) The provisions of this title shall be construed according to the fair import of their terms but when the language is susceptible of differing constructions it shall be interpreted to further the general purposes stated in this title.

NEW SECTION. Sec. 9A.04.030. STATE CRIMINAL JURISDICTION. The following persons are liable to punishment:

(1) A person who commits in the state any crime, in whole or in part.

(2) A person who commits out of the state any act which, if committed within it, would be theft and is afterward found in the state with any of the stolen property.

(3) A person who being out of the state, counsels, causes, procures, aids, or abets another to commit a crime in this state.

(4) A person who, being out of the state, abducts or kidnaps by force or fraud, any person, contrary to the laws of the place where the act is committed, and brings, sends, or conveys such person into this state.

(5) A person who commits an act without the state which affects persons or property within the state, which, if committed within the state, would be a crime.

NEW SECTION. Sec. 9A.04.040. CLASSES OF CRIMES. (1) An offense defined by this title or by any other statute of this state, for which a sentence of imprisonment is authorized, constitutes a crime. Crimes are classified as felonies, gross misdemeanors, or misdemeanors.

(2) A crime is a felony if it is so designated in this title or by any other statute of this state or if persons convicted thereof may be sentenced to imprisonment for a term in excess of one year. A crime is a misdemeanor if it is so designated in this title or by any other statute of this state or if persons convicted thereof may be sentenced to imprisonment for no more than ninety days. Every other crime is a gross misdemeanor.

NEW SECTION. Sec. 9A.04.050. PEOPLE CAPABLE OF COMMITTING

CRIMES. Children under the age of eight years are incapable of committing crime. Children of eight and under twelve years of age are presumed to be incapable of committing crime, but this presumption may be removed by proof that they have sufficient capacity to understand the act or neglect, and to know that it was wrong. Whenever in legal proceedings it becomes necessary to determine the age of a child, he may be produced for inspection, to enable the court or jury to determine the age thereby; and the court may also direct his examination by one or more physicians, whose opinion shall be competent evidence upon the question of his age.

NEW SECTION. Sec. 9A.04.060. COMMON LAW TO SUPPLEMENT STATUTE. The provisions of the common law relating to the commission of crime and the punishment thereof, insofar as not inconsistent with the constitution and statutes of this state, shall supplement all penal statutes of this state and all persons offending against the same shall be tried in the courts of this state having jurisdiction of the offense.

NEW SECTION. Sec. 9A.04.070. WHO AMENABLE TO CRIMINAL STATUTES. Every person, regardless of whether or not he is an inhabitant of this state, may be tried and punished under the laws of this state for an offense committed by him therein, except when such offense is cognizable exclusively in the courts of the United States.

NEW SECTION. Sec. 9A.04.080. LIMITATION OF ACTIONS. Prosecutions for the offenses of murder, and arson where death ensues, may be commenced at any period after the commission of the offense; for offenses the punishment of which may be imprisonment in the state correctional institution, committed by any public officer in connection with the duties of his office or constituting a breach of his public duty or a violation of his oath of office, within ten years after their commission; for all other offenses the punishment of which may be imprisonment in a state correctional institution, within three years after their commission; two years for gross misdemeanors; and for all other offenses, within one year after their commission: PROVIDED, That any length of time during which the party charged was not usually and publicly resident within this state shall not be reckoned within the one, two, three, and ten years respectively: AND FURTHER PROVIDED, That where an indictment has been found, or complaint or an information filed, within the time limited for the commencement of a criminal action, if the indictment, complaint or information be set aside, the time of limitation shall be extended by the length of time from the time of filing of such indictment, complaint, or information, to the time such indictment, complaint, or information was set aside.

NEW SECTION. Sec. 9A.04.090. APPLICATION OF GENERAL PROVISIONS OF THE CODE. The provisions of chapters 9A.04 through 9A.28 of this title are applicable to offenses defined by this title or another statute, unless this title or such other statute specifically provides otherwise.

NEW SECTION. Sec. 9A.04.100. PROOF BEYOND A REASONABLE DOUBT. (1) Every person charged with the commission of a crime is presumed innocent unless proved guilty. No person may be convicted of a crime unless each element of such crime is proved by competent evidence beyond a reasonable doubt.

(2) When a crime has been proven against a person, and there exists a reasonable doubt as to which of two or more degrees he is guilty, he shall be convicted only of the lowest degree.

NEW SECTION. Sec. 9A.04.110. DEFINITIONS. In this title unless a different meaning plainly is required:

- (1) "Acted" includes, where relevant, omitted to act;
- (2) "Actor" includes, where relevant, a person failing to act;
- (3) "Benefit" is any gain or advantage to the beneficiary, including any gain or advantage to a third person pursuant to the desire or consent of the beneficiary;
- (4) "Bodily injury" or "physical injury" means physical pain, illness, or an impairment of physical condition;
- (5) "Building", in addition to its ordinary meaning, includes any dwelling, fenced area, vehicle, railway car, cargo container, or any other structure used for lodging of persons or for carrying on business therein, or for the use, sale or deposit of goods; each

unit of a building consisting of two or more units separately secured or occupied is a separate building;

(6) "Deadly weapon" means any explosive or loaded or unloaded firearm, and shall include any other weapon, device, instrument, article, or substance, including a "vehicle" as defined in this section, which, under the circumstances in which it is used, attempted to be used, or threatened to be used, is readily capable of causing death or serious bodily injury;

(7) "Dwelling" means any building or structure, though movable or temporary, or a portion thereof, which is used or ordinarily used by a person for lodging;

(8) "Government" includes any branch, subdivision, or agency of the government of this state and any county, city, district, or other local governmental unit;

(9) "Governmental function" includes any activity which a public servant is legally authorized or permitted to undertake on behalf of a government;

(10) "Indicated" and "indictment" include "informed against" and "information", and "informed against" and "information" include "indicted" and "indictment";

(11) "Judge" includes every judicial officer authorized alone or with others, to hold or preside over a court;

(12) "Malice" and "maliciously" shall import an evil intent, wish, or design to vex, annoy, or injure another person. Malice may be inferred from an act done in wilful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a wilful disregard of social duty;

(13) "Officer" and "public officer" means a person holding office under a city, county, or state government, or the federal government who performs a public function and in so doing is vested with the exercise of some sovereign power of government, and includes all assistants, deputies, clerks, and employees of any public officer and all persons lawfully exercising or assuming to exercise any of the powers or functions of a public officer;

(14) "Omission" means a failure to act;

(15) "Peace officer" means a duly appointed city, county, or state law enforcement officer;

(16) "Pecuniary benefit" means any gain or advantage in the form of money, property, commercial interest, or anything else the primary significance of which is economic gain;

(17) "Person", "he", and "actor" include any natural person and, where relevant, a corporation, joint stock association, or an unincorporated association;

(18) "Place of work" includes but is not limited to all the lands and other real property of a farm or ranch in the case of an actor who owns, operates, or is employed to work on such a farm or ranch;

(19) "Prison" means any place designated by law for the keeping of persons held in custody under process of law, or under lawful arrest, including but not limited to any state correctional institution or any county or city jail;

(20) "Prisoner" includes any person held in custody under process of law, or under lawful arrest;

(21) "Property" means anything of value, whether tangible or intangible, real or personal;

(22) "Public servant" means any person other than a witness who presently occupies the position of or has been elected, appointed, or designated to become any officer or employee of government, including a legislator, judge, judicial officer, juror, and any person participating as an advisor, consultant, or otherwise in performing a governmental function;

(23) "Signature" includes any memorandum, mark, or sign made with intent to authenticate any instrument or writing, or the subscription of any person thereto;

(24) "Statute" means the Constitution or an act of the legislature or initiative or referendum of this state;

(25) "Threat" means to communicate, directly or indirectly the intent:

(a) To cause bodily injury in the future to the person threatened or to any other person; or

(b) To cause physical damage to the property of a person other than the actor; or
 (c) To subject the person threatened or any other person to physical confinement or restraint; or

(d) To cause any person of a crime or cause criminal charges to be instituted against any person; or

(e) To expose a secret or publicize an asserted fact, whether true or false, tending to subject any person to hatred, contempt, or ridicule; or

(f) To reveal any information sought to be concealed by the person threatened; or

(g) To testify or provide information or withhold testimony or information with respect to another's legal claim or defense; or

(h) To take wrongful action as an official against anyone or anything, or wrongfully withhold official action, or cause such action or withholding; or

(i) To bring about or continue a strike, boycott, or other similar collective action to obtain property which is not demanded or received for the benefit of the group which the actor purports to represent; or

(j) To do any other act which is intended to harm substantially the person threatened or another with respect to his health, safety, business, financial condition, or personal relationships.

(26) "Vehicle" means a "motor vehicle" as defined in the vehicle and traffic laws, any aircraft, or any vessel equipped for propulsion by mechanical means or by sail;

(27) Words in the present tense shall include the future tense; and in the masculine shall include the feminine and neuter genders; and in the singular shall include the plural; and in the plural shall include the singular.

CHAPTER 9A.08

PRINCIPLES OF LIABILITY

NEW SECTION. Sec. 9A.08.010. GENERAL REQUIREMENTS OF CULPABILITY. (1) *Kinds of Culpability Defined.*

(a) *Intent.* A person acts with intent or intentionally when he acts with the objective or purpose to accomplish a result which constitutes a crime.

(b) *Knowledge.* A person knows or acts knowingly or with knowledge when:

(i) he is aware of a fact, facts, or circumstances or result described by a statute defining an offense; or

(ii) he has information which would lead a reasonable man in the same situation to believe that facts exist which facts are described by a statute defining an offense.

(c) *Recklessness.* A person is reckless or acts recklessly when he knows of and disregards a substantial risk that a wrongful act may occur and his disregard of such substantial risk is a gross deviation from conduct that a reasonable man would exercise in the same situation.

(d) *Criminal Negligence.* A person is criminally negligent or acts with criminal negligence when he fails to be aware of a substantial risk that a wrongful act may occur and his failure to be aware of such substantial risk constitutes a gross deviation from the standard of care that a reasonable man would exercise in the same situation.

(2) *Substitutes for Criminal Negligence, Recklessness, and Knowledge.* When a statute provides that criminal negligence suffices to establish an element of an offense, such element also is established if a person acts intentionally, knowingly, or recklessly. When recklessness suffices to establish an element, such element also is established if a person acts intentionally or knowingly. When acting knowingly suffices to establish an element, such element also is established if a person acts intentionally.

(3) *Culpability as Determinant of Grade of Offense.* When the grade or degree of an offense depends on whether the offense is committed intentionally, knowingly, recklessly, or with criminal negligence, its grade or degree shall be the lowest for which the determinative kind of culpability is established with respect to any material element of the offense.

(4) *Requirement of Wilfulness Satisfied by Acting Knowingly.* A requirement that an offense be committed wilfully is satisfied if a person acts knowingly with respect to the material elements of the offense, unless a purpose to impose further requirements plainly appears.

NEW SECTION. Sec. 9A.08.020. LIABILITY FOR CONDUCT OF ANOTHER —COMPLICITY. (1) A person is guilty of a crime if it is committed by the conduct of another person for which he is legally accountable.

(2) A person is legally accountable for the conduct of another person when:

(a) Acting with the kind of culpability that is sufficient for the commission of the crime, he causes an innocent or irresponsible person to engage in such conduct; or

(b) He is made accountable for the conduct of such other person by this title or by the law defining the crime; or

(c) He is an accomplice of such other person in the commission of the crime.

(3) A person is an accomplice of another person in the commission of a crime if:

(a) With knowledge that it will promote or facilitate the commission of the crime, he

(i) solicits, commands, encourages, or requests such other person to commit it; or

(ii) aids or agrees to aid such other person in planning or committing it; or

(b) His conduct is expressly declared by law to establish his complicity.

(4) A person who is legally incapable of committing a particular crime himself may be guilty thereof if it is committed by the conduct of another person for which he is legally accountable, unless such liability is inconsistent with the purpose of the provision establishing his incapacity.

(5) Unless otherwise provided by this title or by the law defining the crime, a person is not an accomplice in a crime committed by another person if:

(a) He is a victim of that crime; or

(b) He terminates his complicity prior to the commission of the crime and gives timely warning to the law enforcement authorities or otherwise makes a good faith effort to prevent the commission of the crime.

(6) A person legally accountable for the conduct of another person may be convicted on proof of the commission of the crime and of his complicity therein, though the person claimed to have committed the crime has not been prosecuted or convicted or has been convicted of a different crime or degree of crime or has an immunity to prosecution or conviction or has been acquitted.

NEW SECTION. Sec. 9A.08.030. CRIMINAL LIABILITY OF CORPORATIONS AND PERSONS ACTING OR UNDER A DUTY TO ACT IN THEIR BEHALF. (1) As used in this section:

(a) "Agent" means any director, officer, or employee of a corporation, or any other person who is authorized to act on behalf of the corporation;

(b) "Corporation" includes a joint stock association;

(c) "High managerial agent" means an officer or director of a corporation or any other agent in a position of comparable authority with respect to the formulation of corporate policy or the supervision in a managerial capacity of subordinates.

(2) A corporation is guilty of an offense when:

(a) The conduct constituting the offense consists of an omission to discharge a specific duty of performance imposed on corporations by law; or

(b) The conduct constituting the offense is engaged in, authorized, solicited, requested, commanded, or tolerated by the board of directors or by a high managerial agent acting within the scope of his employment and on behalf of the corporation; or

(c) The conduct constituting the offense is engaged in by an agent of the corporation, other than a high managerial agent, while acting within the scope of his employment and in behalf of the corporation and (i) the offense is a gross misdemeanor or misdemeanor, or (ii) the offense is one defined by a statute which clearly indicates a legislative intent to impose such criminal liability on a corporation.

(3) A person is criminally liable for conduct constituting an offense which he performs or causes to be performed in the name of or on behalf of a corporation to the same extent as if such conduct were performed in his own name or behalf.

(4) Whenever a duty to act is imposed by law upon a corporation, any agent of the corporation who knows he has or shares primary responsibility for the discharge of the duty is criminally liable for a reckless or, if a high managerial agent, criminally negli-

gent omission to perform the required act to the same extent as if the duty were by law imposed directly upon such agent.

(5) Every corporation, whether foreign or domestic, which shall violate any provision of section 9A.28.040, shall forfeit every right and franchise to do business in this state. The attorney general shall begin and conduct all actions and proceedings necessary to enforce the provisions of this subsection.

CHAPTER 9A.12

INSANITY

NEW SECTION. Sec. 9A.12.010. **INSANITY.** To establish the defense of insanity, it must be shown that:

(1) At the time of the commission of the offense, as a result of mental disease or defect, the mind of the actor was affected to such an extent that:

(a) He was unable to perceive the nature and quality of the act with which he is charged; or

(b) He was unable to tell right from wrong with reference to the particular act charged.

(2) The defense of insanity must be established by a preponderance of the evidence.

CHAPTER 9A.16

DEFENSES

NEW SECTION. Sec. 9A.16.010. **DEFINITIONS.** In this chapter, unless a different meaning is plainly required:

"Necessary" means that no reasonably effective alternative to the use of force appeared to exist and that the amount of force used was reasonable to effect the lawful purpose intended.

NEW SECTION. Sec. 9A.16.020. **USE OF FORCE—WHEN LAWFUL.** The use, attempt, or offer to use force upon or toward the person of another shall not be unlawful in the following cases:

(1) Whenever necessarily used by a public officer in the performance of a legal duty, or a person assisting him and acting under his direction;

(2) Whenever necessarily used by a person arresting one who has committed a felony and delivering him to a public officer competent to receive him into custody;

(3) Whenever used by a party about to be injured, or by another lawfully aiding him, in preventing or attempting to prevent an offense against his person, or a malicious trespass, or other malicious interference with real or personal property lawfully in his possession, in case the force is not more than shall be necessary;

(4) Whenever used in a reasonable and moderate manner by a parent or his authorized agent, a guardian, master, or teacher in the exercise of lawful authority, to restrain or correct his child, ward, apprentice, or scholar;

(5) Whenever used by a carrier of passengers or his authorized agent or servant, or other person assisting them at their request in expelling from a carriage, railway car, vessel, or other vehicle, a passenger who refuses to obey a lawful and reasonable regulation prescribed for the conduct of passengers, if such vehicle has first been stopped and the force used is not more than shall be necessary to expel the offender with reasonable regard to his personal safety;

(6) Whenever used by any person to prevent a mentally retarded person or a mentally ill person from committing an act dangerous to himself or another, or in enforcing necessary restraint for the protection of his person, or his restoration to health, during such period only as shall be necessary to obtain legal authority for the restraint or custody of his person.

NEW SECTION. Sec. 9A.16.030. **HOMICIDE—WHEN EXCUSABLE.** Homicide is excusable when committed by accident or misfortune in doing any lawful act by lawful means, with ordinary caution and without any unlawful intent.

NEW SECTION. Sec. 9A.16.040. **JUSTIFIABLE HOMICIDE BY PUBLIC OFFICER.** Homicide is justifiable when committed by a public officer, or person acting under his command and in his aid, in the following cases:

(1) In obedience to the judgment of a competent court.

(2) When necessary to overcome actual resistance to the execution of the legal process, mandate, or order of a court or officer, or in the discharge of a legal duty.

(3) When necessary in retaking an escaped or rescued prisoner who has been committed, arrested for, or convicted of a felony; or in arresting a person who has committed a felony and is fleeing from justice; or in attempting, by lawful ways or means, to apprehend a person for a felony actually committed; or in lawfully suppressing a riot or preserving the peace.

NEW SECTION. Sec. 9A.16.050. HOMICIDE—BY OTHER PERSON—WHEN JUSTIFIABLE. Homicide is also justifiable when committed either:

(1) In the lawful defense of the slayer, or his or her husband, wife, parent, child, brother, or sister, or of any other person in his presence or company, when there is reasonable ground to apprehend a design on the part of the person slain to commit a felony or to do some great personal injury to the slayer or to any such person, and there is imminent danger of such design being accomplished; or

(2) In the actual resistance of an attempt to commit a felony upon the slayer, in his presence, or upon or in a dwelling, or other place of abode, in which he is.

NEW SECTION. Sec. 9A.16.060. DURESS. (1) In any prosecution for a crime, it is a defense that:

(a) The actor participated in the crime under compulsion by another who by threat or use of force created an apprehension in the mind of the actor that in case of refusal he or another would be liable to immediate death or immediate grievous bodily injury; and

(b) That such apprehension was reasonable upon the part of the actor; and

(c) That the actor would not have participated in the crime except for the duress involved.

(2) The defense of duress is not available if the crime charged is murder or manslaughter.

(3) The defense of duress is not available if the actor intentionally or recklessly places himself in a situation in which it is probable that he will be subject to duress.

(4) The defense of duress is not established solely by a showing that a married person acted on the command of his or her spouse.

NEW SECTION. Sec. 9A.16.070. ENTRAPMENT. (1) In any prosecution for a crime, it is a defense that:

(a) The criminal design originated in the mind of law enforcement officials, or any person acting under their direction, and

(b) The actor was lured or induced to commit a crime which the actor had not otherwise intended to commit.

(2) The defense of entrapment is not established by a showing only that law enforcement officials merely afforded the actor an opportunity to commit a crime.

NEW SECTION. Sec. 9A.16.080. ACTION FOR BEING DETAINED ON MERCANTILE ESTABLISHMENT PREMISES FOR INVESTIGATION—"REASONABLE GROUNDS" AS DEFENSE. In any criminal action brought by reason of any person having been detained on or in the immediate vicinity of the premises of a mercantile establishment for the purpose of investigation or questioning as to the ownership of any merchandise, it shall be a defense of such action that the person was detained in a reasonable manner and for not more than a reasonable time to permit such investigation or questioning by a peace officer, by the owner of the mercantile establishment, or by the owner's authorized employee or agent, and that such peace officer, owner, employee, or agent had reasonable grounds to believe that the person so detained was committing or attempting to commit theft or shoplifting on such premises of such merchandise. As used in this section, "reasonable grounds" shall include, but not be limited to, knowledge that a person has concealed possession of unpurchased merchandise of a mercantile establishment, and a "reasonable time" shall mean the time necessary to permit the person detained to make a statement, or refuse to make a statement, and the time necessary to examine employees and records of the mercantile establishment relative to the ownership of the merchandise.

NEW SECTION. Sec. 9A.16.090. INTOXICATION. No act committed by a person while in a state of voluntary intoxication shall be deemed less criminal by reason

of his condition, but whenever the actual existence of any particular mental state is a necessary element to constitute a particular species or degree of crime, the fact of his intoxication may be taken into consideration in determining such mental state.

CHAPTER 9A.20
CLASSIFICATION OF CRIMES

NEW SECTION. Sec. 9A.20.010. CLASSIFICATION AND DESIGNATION OF CRIMES. (1) Classified Felonies. (a) The particular classification of each felony defined in Title 9A RCW is expressly designated in the section defining it.

(b) For purposes of sentencing, classified felonies are designated as one of three classes, as follows:

- (i) Class A felony; or
- (ii) Class B felony; or
- (iii) Class C felony.

(2) Misdemeanors and Gross Misdemeanors. (a) Any crime punishable by a fine of not more than five hundred dollars, or by imprisonment in a county jail for not more than ninety days, or by both such fine and imprisonment is a misdemeanor. Whenever the performance of any act is prohibited by any statute, and no penalty for the violation of such statute is imposed, the committing of such act shall be a misdemeanor.

(b) All crimes other than felonies and misdemeanors are gross misdemeanors.

NEW SECTION. Sec. 9A.20.020. AUTHORIZED SENTENCES OF OFFENDERS. (1) Felony. Every person convicted of a classified felony shall be punished as follows:

(a) For a Class A felony, by imprisonment in a state correctional institution for a maximum term fixed by the court of not less than twenty years or by a fine of not more than ten thousand dollars or by both such imprisonment and fine;

(b) For a Class B felony, by imprisonment in a state correctional institution for a maximum term fixed by the court of not more than ten years or by a fine of not more than ten thousand dollars or by both such imprisonment and fine;

(c) For a Class C felony, by imprisonment in a state correctional institution for a maximum term fixed by the court of not more than five years or by a fine of not more than five thousand dollars or by both such imprisonment and fine.

(2) Gross Misdemeanor. Every person convicted of a gross misdemeanor defined in Title 9A RCW shall be punished by imprisonment in the county jail for a maximum term fixed by the court of not more than one year or by a fine of not more than one thousand dollars or by both such imprisonment and fine.

(3) Misdemeanor. Every person convicted of a misdemeanor defined in Title 9A RCW shall be punished by imprisonment in the county jail for a maximum term fixed by the court of not more than ninety days or by a fine of not more than five hundred dollars or by both such imprisonment and fine.

NEW SECTION. Sec. 9A.20.030. ALTERNATIVE TO A FINE. (1) If a person has gained money or property or caused a victim to lose money or property through the commission of a crime, upon conviction thereof the court, in lieu of imposing the fine authorized for the offense under section 9A.20.020, may order the defendant to pay an amount, fixed by the court, not to exceed double the amount of the defendant's gain or victim's loss from the commission of a crime. Such amount may be used to provide restitution to the victim at the order of the court. In such case the court shall make a finding as to the amount of the defendant's gain or victim's loss from the crime, and if the record does not contain sufficient evidence to support such finding the court may conduct a hearing upon the issue. For purposes of this section, the terms "gain" or "loss" refer to the amount of money or the value of property or services gained or lost.

(2) Notwithstanding any other provision of law, this section also applies to any corporation or joint stock association found guilty of any crime.

NEW SECTION. Sec. 9A.20.040. PROSECUTIONS RELATED TO FELONIES DEFINED OUTSIDE TITLE 9A RCW. In any prosecution under this title where the grade or degree of a crime is determined by reference to the degree of a felony for which the defendant or another previously had been sought, arrested, charged, convicted, or

sentenced, if such felony is defined by a statute of this state which is not in Title 9A RCW, unless otherwise provided:

(1) If the maximum sentence of imprisonment authorized by law upon conviction of such felony is twenty years or more, such felony shall be treated as a Class A felony for purposes of this title;

(2) If the maximum sentence of imprisonment authorized by law upon conviction of such felony is eight years or more, but less than twenty years, such felony shall be treated as a Class B felony for purposes of this title;

(3) If the maximum sentence of imprisonment authorized by law upon conviction of such felony is less than eight years, such felony shall be treated as a Class C felony for purposes of this title.

CHAPTER 9A.28

ANTICIPATORY OFFENSES

NEW SECTION. Sec. 9A.28.010. PROSECUTIONS BASED ON FELONIES DEFINED OUTSIDE TITLE 9A RCW. In any prosecution under this title for attempt, solicitation, or conspiracy to commit a felony defined by a statute of this state which is not in this title, unless otherwise provided:

(1) If the maximum sentence of imprisonment authorized by law upon conviction of such felony is twenty years or more, such felony shall be treated as a Class A felony for purposes of this title;

(2) If the maximum sentence of imprisonment authorized by law upon conviction of such felony is eight years or more but less than twenty years, such felony shall be treated as a Class B felony for purposes of this title;

(3) If the maximum sentence of imprisonment authorized by law upon conviction of such felony is less than eight years, such felony shall be treated as a Class C felony for purposes of this title.

NEW SECTION. Sec. 9A.28.020. CRIMINAL ATTEMPT. (1) A person is guilty of an attempt to commit crime if, with intent to commit a specific crime, he does any act which is a substantial step toward the commission of that crime.

(2) If the conduct in which a person engages otherwise constitutes an attempt to commit a crime, it is no defense to a prosecution of such attempt that the crime charged to have been attempted was, under the attendant circumstances, factually or legally impossible of commission.

(3) An attempt to commit a crime is a:

- (a) Class A felony when the crime attempted is murder in the first degree;
- (b) Class B felony when the crime attempted is a Class A felony other than murder in the first degree;
- (c) Class C felony when the crime attempted is a Class B felony;
- (d) Gross misdemeanor when the crime attempted is a Class C felony;
- (e) Misdemeanor when the crime attempted is a gross misdemeanor or misdemeanor.

NEW SECTION. Sec. 9A.28.030. CRIMINAL SOLICITATION. (1) A person is guilty of criminal solicitation when, with intent to promote or facilitate the commission of a crime, he offers to give or gives money or other thing of value to another to engage in specific conduct which would constitute such crime or which would establish complicity of such other person in its commission or attempted commission had such crime been attempted or committed.

(2) Criminal solicitation shall be punished in the same manner as criminal attempt under section 9A.28.020.

NEW SECTION. Sec. 9A.28.040. CRIMINAL CONSPIRACY. (1) A person is guilty of criminal conspiracy when, with intent that conduct constituting a crime be performed, he agrees with one or more persons to engage in or cause the performance of such conduct, and any one of them takes a substantial step in pursuance of such agreement.

(2) It shall not be a defense to criminal conspiracy that the person or persons with whom the accused is alleged to have conspired:

- (a) Has not been prosecuted or convicted; or

- (b) Has been convicted of a different offense; or
- (c) Is not amenable to justice; or
- (d) Has been acquitted; or
- (e) Lacked the capacity to commit an offense.
- (3) Criminal conspiracy is a:
 - (a) Class A felony when an object of the conspiratorial agreement is murder in the first degree;
 - (b) Class B felony when an object of the conspiratorial agreement is a Class A felony other than murder in the first degree;
 - (c) Class C felony when an object of the conspiratorial agreement is a Class B felony;
 - (d) Gross misdemeanor when an object of the conspiratorial agreement is a Class C felony;
 - (e) Misdemeanor when an object of the conspiratorial agreement is a gross misdemeanor or misdemeanor.

CHAPTER 9A.32 HOMICIDE

NEW SECTION. Sec. 9A.32.010. **HOMICIDE DEFINED.** Homicide is the killing of a human being by the act, procurement or omission of another and is either (1) murder, (2) manslaughter, (3) excusable homicide, or (4) justifiable homicide.

NEW SECTION. Sec. 9A.32.020. **PREMEDITATION; LIMITATIONS.** (1) As used in this chapter, the premeditation required in order to support a conviction of the crime of murder in the first degree must involve more than a moment in point of time.

(2) Nothing contained in this chapter shall affect RCW 46.61.520.

NEW SECTION. Sec. 9A.32.030. **MURDER IN THE FIRST DEGREE.** (1) A person is guilty of murder in the first degree when:

- (a) With a premeditated intent to cause the death of another person, he causes the death of such person or of a third person; or
- (b) Under circumstances manifesting an extreme indifference to human life, he engages in conduct which creates a grave risk of death to any person, and thereby causes the death of a person; or

(c) He commits or attempts to commit the crime of either (1) robbery, in the first or second degree, (2) rape in the first or second degree, (3) burglary in the first degree, (4) arson in the first degree, or (5) kidnaping, in the first or second degree, and, in the course of and in furtherance of such crime or in immediate flight therefrom, he, or another participant, causes the death of a person other than one of the participants; except that in any prosecution under this subdivision (1)(c) in which the defendant was not the only participant in the underlying crime, if established by the defendant by a preponderance of the evidence, it is a defense that the defendant:

- (i) Did not commit the homicidal act or in any way solicit, request, command, importune, cause, or aid the commission thereof; and
- (ii) Was not armed with a deadly weapon, or any instrument, article, or substance readily capable of causing death or serious physical injury; and
- (iii) Had no reasonable grounds to believe that any other participant was armed with such a weapon, instrument, article, or substance; and
- (iv) Had no reasonable grounds to believe that any other participant intended to engage in conduct likely to result in death or serious physical injury.

(2) Murder in the first degree is a Class A felony.

NEW SECTION. Sec. 9A.32.040. **MURDER IN THE FIRST DEGREE—SENTENCE.** Notwithstanding section 9A.32.030(2), any person convicted of the crime of murder in the first degree shall be sentenced to life imprisonment.

NEW SECTION. Sec. 9A.32.050. **MURDER IN THE SECOND DEGREE.** (1) A person is guilty of murder in the second degree when:

- (a) With intent to cause the death of another person but without premeditation, he causes the death of such person or of a third person; or
- (b) He commits or attempts to commit any felony other than those enumerated in section 9A.32.030(c), and, in the course of and in furtherance of such crime or in imme-

diate flight therefrom, he, or another participant, causes the death of a person other than one of the participants; except that in any prosecution under this subdivision (1)(b) in which the defendant was not the only participant in the underlying crime, if established by the defendant by a preponderance of the evidence, it is a defense that the defendant:

- (i) Did not commit the homicidal act or in any way solicit, request, command, importune, cause, or aid the commission thereof; and
- (ii) Was not armed with a deadly weapon, or any instrument, article, or substance readily capable of causing death or serious physical injury; and
- (iii) Had no reasonable grounds to believe that any other participant was armed with such a weapon, instrument, article, or substance; and
- (iv) Had no reasonable grounds to believe that any other participant intended to engage in conduct likely to result in death or serious physical injury.

(2) Murder in the second degree is a Class A felony.

NEW SECTION. Sec. 9A.32.060. MANSLAUGHTER IN THE FIRST DEGREE. (1) A person is guilty of manslaughter in the first degree when:

- (a) He recklessly causes the death of another person; or
- (b) He intentionally and unlawfully kills an unborn quick child by inflicting any injury upon the mother of such child.

(2) Manslaughter in the first degree is a Class B felony.

NEW SECTION. Sec. 9A.32.070. MANSLAUGHTER IN THE SECOND DEGREE. (1) A person is guilty of manslaughter in the second degree when, with criminal negligence, he causes the death of another person.

(2) Manslaughter in the second degree is a Class C felony.

CHAPTER 9A.36

ASSAULT

NEW SECTION. Sec. 9A.36.010. ASSAULT IN THE FIRST DEGREE. (1) Every person, who with intent to kill a human being, or to commit a felony upon the person or property of the one assaulted, or of another, shall be guilty of assault in the first degree when he:

- (a) Shall assault another with a firearm or any deadly weapon or by any force of means likely to produce death; or
- (b) Shall administer to or cause to be taken by another, poison or any other destructive or noxious thing so as to endanger the life of another person.

(2) Assault in the first degree is a Class A felony.

NEW SECTION. Sec. 9A.36.020. ASSAULT IN THE SECOND DEGREE. (1) Every person who, under circumstances not amounting to assault in the first degree shall be guilty of assault in the second degree when he:

- (a) With intent to injure, shall unlawfully administer to or cause to be taken by another, poison or any other destructive or noxious thing, or any drug or medicine the use of which is dangerous to life or health; or

- (b) Shall knowingly inflict grievous bodily harm upon another with or without a weapon; or

- (c) Shall knowingly assault another with a weapon or other instrument or thing likely to produce bodily harm; or

- (d) Shall knowingly assault another with intent to commit a felony; or

- (e) With criminal negligence, shall cause physical injury to another person by means of a weapon or other instrument or thing likely to produce bodily harm shall be guilty of assault in the second degree.

(2) Assault in the second degree is a Class B felony.

NEW SECTION. Sec. 9A.36.030. ASSAULT IN THE THIRD DEGREE. (1) Every person who, under circumstances not amounting to assault in either the first or second degree, shall assault another with intent to prevent or resist the execution of any lawful process or mandate of any court officer, or the lawful apprehension or detention of himself or another person shall be guilty of assault in the third degree.

(2) Assault in the third degree is a Class C felony.

NEW SECTION. Sec. 9A.36.040. SIMPLE ASSAULT. (1) Every person who

shall commit an assault or an assault and battery not amounting to assault in either the first, second, or third degree shall be guilty of simple assault.

(2) Simple assault is a gross misdemeanor.

NEW SECTION. Sec. 9A.36.050. RECKLESS ENDANGERMENT. (1) A person is guilty of reckless endangerment when he recklessly engages in conduct which creates a substantial risk of death or serious physical injury to another person.

(2) Reckless endangerment is a gross misdemeanor.

NEW SECTION. Sec. 9A.36.060. PROMOTING A SUICIDE ATTEMPT. (1) A person is guilty of promoting a suicide attempt when he knowingly causes or aids another person to attempt suicide.

(2) Promoting a suicide attempt is a Class C felony.

NEW SECTION. Sec. 9A.36.070. COERCION. (1) A person is guilty of coercion if by use of a threat he compels or induces a person to engage in conduct which the latter has a legal right to abstain from, or to abstain from conduct which he has a legal right to engage in.

(2) "Threat" as used in this section means:

(a) To communicate, directly or indirectly, the intent immediately to use force against any person who is present at the time; or

(b) Threats as defined in section 9A.04.110(25)(a), (b), or (c).

(3) Coercion is a gross misdemeanor.

CHAPTER 9A.40

KIDNAPING

NEW SECTION. Sec. 9A.40.010. DEFINITIONS. The following definitions apply in this chapter:

(1) "Restrain" means to restrict a person's movements without consent and without legal authority in a manner which interferes substantially with his liberty. Restraint is "without consent" if it is accomplished by (a) physical force, intimidation, or deception, or (b) any means including acquiescence of the victim, if he is a child less than sixteen years old or an incompetent person and if the parent, guardian, or other person or institution having lawful control or custody of him has not acquiesced.

(2) "Abduct" means to restrain a person by either (a) secreting or holding him in a place where he is not likely to be found, or (b) using or threatening to use deadly force;

(3) "Relative" means an ancestor, descendant, or sibling, including a relative of the same degree through marriage or adoption, or a spouse.

NEW SECTION. Sec. 9A.40.020. KIDNAPING IN THE FIRST DEGREE. (1) A person is guilty of kidnaping in the first degree if he intentionally abducts another person with intent:

(a) To hold him for ransom or reward, or as a shield or hostage; or

(b) To facilitate commission of any felony or flight thereafter; or

(c) To inflict bodily injury on him; or

(d) To inflict extreme mental distress on him or a third person; or

(e) To interfere with the performance of any governmental function.

(2) Kidnaping in the first degree is a Class A felony.

NEW SECTION. Sec. 9A.40.030. KIDNAPING IN THE SECOND DEGREE. (1) A person is guilty of kidnaping in the second degree if he intentionally abducts another person under circumstances not amounting to kidnaping in the first degree.

(2) In any prosecution for kidnaping in the second degree, it is a defense if established by the defendant by a preponderance of the evidence that (a) The abduction does not include the use of or intent to use or threat to use deadly force, and (b) the actor is a relative of the person abducted, and (c) the actor's sole intent is to assume custody of that person. Nothing contained in this paragraph shall constitute a defense to a prosecution for, or preclude a conviction of, any other crime.

(3) Kidnaping in the second degree is a Class B felony.

NEW SECTION. Sec. 9A.40.040. UNLAWFUL IMPRISONMENT. (1) A person is guilty of unlawful imprisonment if he knowingly restrains another person.

(2) Unlawful imprisonment is a Class C felony.

NEW SECTION. Sec. 9A.40.050. CUSTODIAL INTERFERENCE. (1) A person

is guilty of custodial interference if, knowing that he has no legal right to do so, he takes or entices from lawful custody any incompetent person or other person entrusted by authority of law to the custody of another person or institution.

(2) Custodial interference is a gross misdemeanor.

CHAPTER 9A.48

ARSON AND MALICIOUS MISCHIEF

NEW SECTION. Sec. 9A.48.010. **DEFINITIONS.** (1) For the purpose of this title, as now or hereinafter amended, unless the context indicates otherwise:

(a) "Building" has the definition in 9A.04.110(5), and where a building consists of two or more units separately secured or occupied, each unit shall not be treated as a separate building;

(b) "Damages", in addition to its ordinary meaning, includes any charring, scorching, burning, or breaking, or agricultural or industrial sabotage, and shall include any diminution in the value of any property as a consequence of an act.

(2) To constitute arson it shall not be necessary that a person other than the actor should have had ownership in the building or structure damaged or set on fire.

NEW SECTION. Sec. 9A.48.020. **ARSON IN THE FIRST DEGREE.** (1) A person is guilty of arson in the first degree if he knowingly and maliciously:

(a) Causes a fire or explosion which is manifestly dangerous to any human life including firemen; or

(b) Causes a fire or explosion which damages a dwelling; or

(c) Causes a fire or explosion in any building in which there shall be at the time a human being who is not a participant in the crime.

(2) Arson in the first degree is a Class A felony.

NEW SECTION. Sec. 9A.48.030. **ARSON IN THE SECOND DEGREE.** (1) A person is guilty of arson in the second degree if he knowingly and maliciously causes a fire or explosion which damages a building, or any structure or erection appurtenant to or joining any building, or any wharf, dock, machine, engine, automobile, or other motor vehicle, watercraft, aircraft, bridge, or trestle, or hay, grain, crop, or timber, whether cut or standing or any range land, or pasture land, or any fence, or any lumber, shingle, or other timber products, or any property.

(2) Arson in the second degree is a Class B felony.

NEW SECTION. Sec. 9A.48.040. **RECKLESS BURNING IN THE FIRST DEGREE.** (1) A person is guilty of reckless burning in the first degree if he recklessly damages a building or other structure or any vehicle, railway car, aircraft or watercraft or any hay, grain, crop, or timber whether cut or standing, by knowingly causing a fire or explosion.

(2) Reckless burning in the first degree is a Class C felony.

NEW SECTION. Sec. 9A.48.050. **RECKLESS BURNING IN THE SECOND DEGREE.** (1) A person is guilty of reckless burning in the second degree if he knowingly causes a fire or explosion, whether on his own property or that of another, and thereby recklessly places a building or other structure, or any vehicle, railway car, aircraft, or watercraft, or any hay, grain, crop or timber, whether cut or standing, in danger of destruction or damage.

(2) Reckless burning in the second degree is a gross misdemeanor.

NEW SECTION. Sec. 9A.48.060. **DEFENSE.** In any prosecution for the crime of reckless burning in the first or second degrees, it shall be a defense if the defendant establishes by a preponderance of the evidence that:

(a) No person other than the defendant has a possessory, or pecuniary interest in the damaged or endangered property, or if other persons had such an interest, all of them consented to the defendant's conduct; and

(b) The defendant's sole intent was to destroy or damage the property for a lawful purpose.

NEW SECTION. Sec. 9A.48.070. **MALICIOUS MISCHIEF IN THE FIRST DEGREE.** (1) A person is guilty of malicious mischief in the first degree if he knowingly and maliciously:

(a) Causes physical damage to the property of another in an amount exceeding one thousand five hundred dollars; or

(b) Causes an interruption or impairment of service rendered to the public by physically damaging or tampering with an emergency vehicle or property of the state, a political subdivision thereof, or a public utility or mode of public transportation, power, or communication.

(2) Malicious mischief in the first degree is a Class B felony.

NEW SECTION. Sec. 9A.48.080. MALICIOUS MISCHIEF IN THE SECOND DEGREE. (1) A person is guilty of malicious mischief in the second degree if he knowingly and maliciously:

(a) Causes physical damage to the property of another in an amount exceeding two hundred and fifty dollars; or

(b) Creates a substantial risk of interruption or impairment of service rendered to the public, by physically damaging or tampering with an emergency vehicle or property of the state, a political subdivision thereof, or a public utility or mode of public transportation, power, or communication.

(2) Malicious mischief in the second degree is a Class C felony.

NEW SECTION. Sec. 9A.48.090. MALICIOUS MISCHIEF IN THE THIRD DEGREE. (1) A person is guilty of malicious mischief in the third degree if he knowingly and maliciously causes physical damage to the property of another, under circumstances not amounting to malicious mischief in the first or second degree.

(2) Malicious mischief in the third degree is a gross misdemeanor if the damage to the property is in an amount exceeding fifty dollars; otherwise, it is a misdemeanor.

NEW SECTION. Sec. 9A.48.100. DEFINITION. For the purposes of sections 9A.48.070 through 9A.48.090 inclusive, "physical damage", in addition to its ordinary meaning, shall include the alteration, damage, or erasure of records, information, data, or computer programs which are electronically recorded for use in computers.

CHAPTER 9A.52

BURGLARY AND TRESPASS

NEW SECTION. Sec. 9A.52.010. DEFINITIONS. The following definitions apply in this chapter:

(1) "Premises" includes any building, dwelling, or any real property;

(2) "Enter". The word "enter" when constituting an element or part of a crime, shall include the entrance of the person, or the insertion of any part of his body, or any instrument or weapon held in his hand and used or intended to be used to threaten or intimidate a person or to detach or remove property;

(3) "Enters or remains unlawfully". A person "enters or remains unlawfully" in or upon premises when he is not then licensed, invited, or otherwise privileged to so enter or remain.

A license or privilege to enter or remain in a building which is only partly open to the public is not a license or privilege to enter or remain in that part of a building which is not open to the public. A person who enters or remains upon unimproved and apparently unused land, which is neither fenced nor otherwise enclosed in a manner designed to exclude intruders, does so with license and privilege unless notice against trespass is personally communicated to him by the owner of the land or some other authorized person, or unless notice is given by posting in a conspicuous manner.

NEW SECTION. Sec. 9A.52.020. BURGLARY IN THE FIRST DEGREE. (1) A person is guilty of burglary in the first degree if, with intent to commit a crime against a person or property therein, he enters or remains unlawfully in a dwelling and if, in entering or while in the dwelling or in immediate flight therefrom, the actor or another participant in the crime (a) is armed with a deadly weapon, or (b) assaults any person therein.

(2) Burglary in the first degree is a Class A felony.

NEW SECTION. Sec. 9A.52.030. BURGLARY IN THE SECOND DEGREE. (1) A person is guilty of burglary in the second degree if, with intent to commit a crime against a person or property therein, he enters or remains unlawfully in a building.

(2) Burglary in the second degree is a Class B felony.

NEW SECTION. Sec. 9A.52.040. INFERENCE OF INTENT. In any prosecution for burglary, any person who enters or remains unlawfully in a building may be inferred to have acted with intent to commit a crime against a person or property therein, unless such entering or remaining shall be explained by evidence satisfactory to the trier of fact to have been made without such criminal intent.

NEW SECTION. Sec. 9A.52.050. OTHER CRIME IN COMMITTING BURGLARY PUNISHABLE. Every person who, in the commission of a burglary shall commit any other crime, may be punished therefor as well as for the burglary, and may be prosecuted for each crime separately.

NEW SECTION. Sec. 9A.52.060. MAKING OR HAVING BURGLAR TOOLS. (1) Every person who shall make or mend or cause to be made or mended, or have in his possession, any engine, machine, tool, false key, pick lock, bit, nippers, or implement adapted, designed, or commonly used for the commission of burglary under circumstances evincing an intent to use or employ, or allow the same to be used or employed in the commission of a burglary, or knowing that the same is intended to be so used, shall be guilty of making or having burglar tools.

(2) Making or having burglar tools is a gross misdemeanor.

NEW SECTION. Sec. 9A.52.070. CRIMINAL TRESPASS IN THE FIRST DEGREE. (1) A person is guilty of criminal trespass in the first degree if he knowingly enters or remains unlawfully in a building or on real property adjacent thereto or upon real property which is fenced or otherwise enclosed in a manner designed to exclude intruders.

(2) Criminal trespass in the first degree is a gross misdemeanor.

NEW SECTION. Sec. 9A.52.080. CRIMINAL TRESPASS IN THE SECOND DEGREE. (1) A person is guilty of criminal trespass in the second degree if he knowingly enters or remains unlawfully in or upon premises of another.

(2) Criminal trespass in the second degree is a misdemeanor.

NEW SECTION. Sec. 9A.52.090. CRIMINAL TRESPASS—DEFENSES. In any prosecution under sections 9A.52.070 and 9A.52.080, it is a defense that:

(1) A building involved in an offense under section 9A.52.070 was abandoned; or
 (2) The premises were at the time open to members of the public and the actor complied with all lawful conditions imposed on access to or remaining in the premises; or

(3) The actor reasonably believed that the owner of the premises, or other person empowered to license access thereto, would have licensed him to enter or remain.

NEW SECTION. Sec. 9A.52.100. VEHICLE PROWLING. (1) A person is guilty of vehicle prowling if, with intent to commit a crime against a person or property therein, he enters or remains unlawfully in a vehicle.

(2) Vehicle prowling is a gross misdemeanor.

CHAPTER 9A.56

THEFT AND ROBBERY

NEW SECTION. Sec. 9A.56.010. DEFINITIONS. The following definitions are applicable in this chapter unless the context otherwise requires:

(1) "Appropriate lost or misdelivered property or services" means obtaining or exerting control over the property or services of another which the actor knows to have been lost or mislaid, or to have been delivered under a mistake as to identity of the recipient or as to the nature or amount of the property;

(2) "By color or aid of deception" means that the deception operated to bring about the obtaining of the property or services; it is not necessary that deception be the sole means of obtaining the property or services;

(3) "Credit card" means any instrument or device, whether incomplete, revoked, or expired, whether known as a credit card, credit plate, charge plate, courtesy card, or by any other name, issued with or without fee for the use of the cardholder in obtaining money, goods, services, or anything else of value, including satisfaction of a debt or the payment of a check drawn by a cardholder, either on credit or in consideration of an undertaking or guarantee by the issuer;

(4) "Deception" occurs when an actor knowingly:

(a) Creates or confirms another's false impression which the actor knows to be false; or

(b) Fails to correct another's impression which the actor previously has created or confirmed; or

(c) Prevents another from acquiring information material to the disposition of the property involved; or

(d) Transfers or encumbers property without disclosing a lien, adverse claim, or other legal impediment to the enjoyment of the property, whether that impediment is or is not valid, or is or is not a matter of official record; or

(e) Promises performance which the actor does not intend to perform or knows will not be performed.

(5) "Deprive" in addition to its common meaning means to make unauthorized use or an unauthorized copy of records, information, data, trade secrets, or computer programs, provided that the aforementioned are of a private proprietary nature;

(6) "Obtain control over" in addition to its common meaning, means:

(a) In relation to property, to bring about a transfer or purported transfer to the obtainer or another of a legally recognized interest in the property; or

(b) In relation to labor or service, to secure performance thereof for the benefits of the obtainer or another;

(7) "Wrongfully obtains" or "exerts unauthorized control" means:

(a) To take the property or services of another; or

(b) Having any property or services in one's possession, custody or control as bailee, factor, pledgee, servant, attorney, agent, employee, trustee, executor, administrator, guardian, or officer of any person, estate, association, or corporation, or as a public officer, or person authorized by agreement or competent authority to take or hold such possession, custody, or control, to secrete, withhold, or appropriate the same to his own use or to the use of any person other than the true owner or person entitled thereto;

(8) "Owner" means a person, other than the actor, who has possession of or any other interest in the property or services involved, and without whose consent the actor has no authority to exert control over the property or services;

(9) "Receive" includes, but is not limited to, acquiring title, possession, control, or a security interest, or any other interest in the property;

(10) "Services" includes, but is not limited to, labor, professional services, transportation services, electronic computer services, the supplying of hotel accommodations, restaurant services, entertainment, the use of equipment for use, and the use supplying of commodities of a public utility nature such as gas, electricity, steam, and water;

(11) "Stolen" means obtained by theft, robbery, or extortion;

(12) Value. (a) "Value" means the market value of the property or services at the time and in the approximate area of the criminal act.

(b) Whether or not they have been issued or delivered, written instruments, except those having a readily ascertained market value, shall be evaluated as follows:

(i) The value of an instrument constituting an evidence of debt, such as a check, draft, or promissory note, shall be deemed the amount due or collectible thereon or thereby, that figure ordinarily being the face amount of the indebtedness less any portion thereof which has been satisfied;

(ii) The value of a ticket or equivalent instrument which evidences a right to receive transportation, entertainment, or other service shall be deemed the price stated thereon, if any; and if no price is stated thereon, the value shall be deemed the price of such ticket or equivalent instrument which the issuer charged the general public;

(iii) The value of any other instrument that creates, releases, discharges, or otherwise affects any valuable legal right, privilege, or obligation shall be deemed the greatest amount of economic loss which the owner of the instrument might reasonably suffer by virtue of the loss of the instrument.

(c) Whenever any series of transactions which constitute theft, would, when considered separately, constitute theft in the third degree because of value, and said series of transactions are a part of a common scheme or plan, then the transactions may be

aggregated in one count and the sum of the value of all said transactions shall be the value considered in determining the degree of theft involved.

(d) Whenever any person is charged with possessing stolen property and such person has unlawfully in his possession at the same time the stolen property of more than one person, then the stolen property possessed may be aggregated in one count and the sum of the value of all said stolen property shall be the value considered in determining the degree of theft involved.

(e) Property or services having value that cannot be ascertained pursuant to the standards set forth above shall be deemed to be of a value not exceeding two hundred and fifty dollars.

NEW SECTION. Sec. 9A.56.020. THEFT—DEFINITION, DEFENSE. (1) "Theft" means:

(a) To wrongfully obtain or exert unauthorized control over the property or services of another or the value thereof, with intent to deprive him of such property or services; or

(b) By color or aid of deception to obtain control over the property or services of another or the value thereof, with intent to deprive him of such property or services; or

(c) To appropriate lost or misdelivered property or services of another, or the value thereof, with intent to deprive him of such property or services.

(2) In any prosecution for theft, it shall be a sufficient defense that the property or service was appropriated openly and avowedly under a claim of title preferred in good faith, even though the claim be untenable.

NEW SECTION. Sec. 9A.56.030. THEFT IN THE FIRST DEGREE. (1) A person is guilty of theft in the first degree if he commits theft of:

(a) Property or services which exceed(s) one thousand five hundred dollars in value; or

(b) Property of any value taken from the person of another.

(2) Theft in the first degree is a Class B felony.

NEW SECTION. Sec. 9A.56.040. THEFT IN THE SECOND DEGREE. (1) A person is guilty of theft in the second degree if he commits theft of:

(a) Property or services which exceed(s) two hundred and fifty dollars in value, but does not exceed one thousand five hundred dollars in value; or

(b) A public record, writing, or instrument kept, filed, or deposited according to law with or in the keeping of any public office or public servant; or

(c) A credit card; or

(d) A motor vehicle, of a value less than one thousand five hundred dollars.

(2) Theft in the second degree is a Class C felony.

NEW SECTION. Sec. 9A.56.050. THEFT IN THE THIRD DEGREE. (1) A person is guilty of theft in the third degree if he commits theft of property or services which does not exceed two hundred and fifty dollars in value.

(2) Theft in the third degree is a gross misdemeanor.

NEW SECTION. Sec. 9A.56.060. UNLAWFUL ISSUANCE OF CHECKS OR DRAFTS. (1) Any person who shall with intent to defraud, make, or draw, or utter, or deliver to another person any check, or draft, on a bank or other depository for the payment of money, knowing at the time of such drawing, or delivery, that he has not sufficient funds in, or credit with said bank or other depository, to meet said check or draft, in full upon its presentation, shall be guilty of unlawful issuance of bank check. The word "credit" as used herein shall be construed to mean an arrangement or understanding with the bank or other depository for the payment of such check or draft, and the uttering or delivery of such a check or draft to another person without such fund or credit to meet the same shall be prima facie evidence of an intent to defraud.

(2) Unlawful issuance of a bank check in an amount greater than two hundred and fifty dollars is a class C felony.

(3) Unlawful issuance of a bank check in an amount of two hundred and fifty dollars or less is a gross misdemeanor.

NEW SECTION. Sec. 9A.56.070. TAKING MOTOR VEHICLE WITHOUT PERMISSION. (1) Every person who shall without the permission of the owner or

person entitled to the possession thereof intentionally take or drive away any automobile or motor vehicle, whether propelled by steam, electricity, or internal combustion engine, the property of another, shall be deemed guilty of a felony, and every person voluntarily riding in or upon said automobile or motor vehicle with knowledge of the fact that the same was unlawfully taken shall be equally guilty with the person taking or driving said automobile or motor vehicle and shall be deemed guilty of taking a motor vehicle without permission.

(2) Taking a motor vehicle without permission is a Class C felony.

NEW SECTION. Sec. 9A.56.080. THEFT OF LIVESTOCK. (1) Every person who, with intent to deprive or defraud the owner thereof, wilfully takes, leads, or transports away, conceals, withholds, slaughters, or otherwise appropriates to his own use any horse, mule, cow, heifer, bull, steer, swine, or sheep shall be guilty of theft of livestock.

(2) Theft of livestock is a Class B felony.

NEW SECTION. Sec. 9A.56.090. PRESUMPTION ON FAILURE TO RETURN VEHICLE, MACHINERY, OR EQUIPMENT PURSUANT TO RENTAL OR LEASE AGREEMENT. Any person to whom a motor vehicle, or piece of machinery or equipment having a fair market value in excess of one thousand five hundred dollars is delivered on a rental or lease basis under any agreement in writing providing for its return to a particular place at a particular time, who refuses or wilfully neglects to return such vehicle or piece of machinery or equipment after the expiration of a reasonable time after a notice in writing proved to have been duly mailed by registered or certified mail with return receipt requested addressed to the last known address of the person who rented or leased the motor vehicle, or piece of machinery or equipment, shall be presumed to have intended to deprive or defraud the owner thereof within the meaning of section 9A.56.020 defining the crime of theft. This presumption may be rebutted by evidence raising a reasonable inference that the failure to return the vehicle or piece of machinery or equipment was not with the intent to defraud or otherwise deprive the owner of his property.

NEW SECTION. Sec. 9A.56.100. THEFT AND LARCENY EQUATED. All offenses defined as larcenies outside of this title shall be treated as thefts as provided in this title.

NEW SECTION. Sec. 9A.56.110. EXTORTION—DEFINITION. "Extortion" means knowingly to obtain or attempt to obtain by threat property or services of the owner, as defined in section 9A.56.010(7).

NEW SECTION. Sec. 9A.56.120. EXTORTION IN THE FIRST DEGREE. (1) A person is guilty of extortion in the first degree if he commits extortion by means of a threat as defined in section 9A.04.110(25)(a), (b), or (c).

(2) Extortion in the first degree is a Class B felony.

NEW SECTION. Sec. 9A.56.130. EXTORTION IN THE SECOND DEGREE. (1) A person is guilty of extortion in the second degree if he commits extortion by means of a threat as defined in section 9A.04.110(25)(d) through (j).

(2) In any prosecution under this section based on a threat to accuse any person of a crime or cause criminal charges to be instituted against any person, it is a defense that the actor reasonably believed the threatened criminal charge to be true and that his sole purpose was to compel or induce the person threatened to take reasonable action to make good the wrong which was the subject of such threatened criminal charge.

(3) Extortion in the second degree is a Class C felony.

NEW SECTION. Sec. 9A.56.140. POSSESSING STOLEN PROPERTY—DEFINITION. (1) "Possessing stolen property" means knowingly to receive, retain, possess, conceal, or dispose of stolen property knowing that it has been stolen and to withhold or appropriate the same to the use of any person other than the true owner or person entitled thereto.

(2) The fact that the person who stole the property has not been convicted, apprehended, identified is not a defense to a charge of possessing stolen property.

(3) When a person not an issuer or agent thereof has in his possession or under his control stolen credit cards issued in the names of two or more persons, he shall be presumed to know that they are stolen. This presumption may be rebutted by evidence

raising a reasonable inference that the possession of such stolen credit cards was without knowledge that they were stolen.

NEW SECTION. Sec. 9A.56.150. POSSESSING STOLEN PROPERTY IN THE FIRST DEGREE. (1) A person is guilty of possessing stolen property in the first degree if he possesses stolen property which exceeds one thousand five hundred dollars in value.

(2) Possessing stolen property in the first degree is a Class B felony.

NEW SECTION. Sec. 9A.56.160. POSSESSING STOLEN PROPERTY IN THE SECOND DEGREE. (1) A person is guilty of possessing stolen property in the second degree if:

(a) He possesses stolen property which exceeds two hundred fifty dollars in value but does not exceed one thousand five hundred dollars in value; or

(b) He possesses a stolen public record, writing or instrument kept, filed, or deposited according to law; or

(c) He possesses a stolen credit card; or

(d) He possesses a stolen motor vehicle of a value less than one thousand five hundred dollars; or

(e) He possesses a stolen firearm.

(2) Possessing stolen property in the second degree is a Class C felony.

NEW SECTION. Sec. 9A.56.170. POSSESSING STOLEN PROPERTY IN THE THIRD DEGREE. (1) A person is guilty of possessing stolen property in the third degree if he possesses stolen property which does not exceed two hundred fifty dollars in value.

(2) Possessing stolen property in the third degree is a gross misdemeanor.

NEW SECTION. Sec. 9A.56.180. OBSCURING IDENTITY OF A MACHINE.

(1) A person is guilty of obscuring identity of a machine if he knowingly:

(a) Obscures the manufacturer's serial number or any other distinguishing identification number or mark upon any vehicle, machine, engine, apparatus, appliance, or other device with intent to render it unidentifiable; or

(b) Possesses a vehicle, machine, engine, apparatus, appliance, or other device held for sale knowing that the serial number or other identification number or mark has been obscured.

(2) "Obscure" means to remove, deface, cover, alter, destroy, or otherwise render unidentifiable.

(3) Obscuring identity of a machine is a gross misdemeanor.

NEW SECTION. Sec. 9A.56.190. ROBBERY—DEFINITION. A person commits robbery when he unlawfully takes personal property from the person of another or in his presence against his will by the use or threatened use of immediate force, violence, or fear of injury to that person or his property or the person or property of anyone. Such force or fear must be used to obtain or retain possession of the property, or to prevent or overcome resistance to the taking; in either of which cases the degree of force is immaterial. Such taking constitutes robbery whenever it appears that, although the taking was fully completed without the knowledge of the person from whom taken, such knowledge was prevented by the use of force or fear.

NEW SECTION. Sec. 9A.56.200. ROBBERY IN THE FIRST DEGREE. (1) A person is guilty of robbery in the first degree if in the commission of a robbery or of immediate flight therefrom, he:

(a) Is armed with a deadly weapon; or

(b) Displays what appears to be a firearm or other deadly weapon; or

(c) Inflicts bodily injury.

(2) Robbery in the first degree is a Class A felony.

NEW SECTION. Sec. 9A.56.210. ROBBERY IN THE SECOND DEGREE. (1) A person is guilty of robbery in the second degree if he commits robbery.

(2) Robbery in the second degree is a Class B felony.

CHAPTER 9A.60

FRAUD

NEW SECTION. Sec. 9A.60.010. DEFINITIONS. The following definitions and

the definitions of section 9A.56.010 are applicable in this chapter unless the context otherwise requires:

(1) "Written instrument" means: (a) any paper, document, or other instrument containing written or printed matter or its equivalent; or (b) any credit card, as defined in section 9A.56.010(3), token, stamp, seal, badge, trademark, or other evidence or symbol of value, right, privilege, or identification;

(2) "Complete written instrument" means one which is fully drawn with respect to every essential feature thereof;

(3) "Incomplete written statement" means one which contains some matters by way of content or authentication but which requires additional matter in order to render it a complete written instrument;

(4) To "falsely make" a written instrument means to make or draw a complete or incomplete written instrument which purports to be authentic, but which is not authentic either because the ostensible maker is fictitious or because, if real, he did not authorize the making or drawing thereof;

(5) To "falsely complete" a written instrument means to transform an incomplete written instrument into a complete one by adding or inserting matter, without the authority of anyone entitled to grant it;

(6) To "falsely alter" a written instrument means to change, without authorization by anyone entitled to grant it, a written instrument, whether complete or incomplete, by means of erasure, obliteration, deletion, insertion of new matter, transposition of matter, or in any other manner;

(7) "Forged instrument" means a written instrument which has been falsely made, completed or altered.

NEW SECTION. Sec. 9A.60.020. FORGERY. (1) A person is guilty of forgery if, with intent to injure or defraud:

(a) He falsely makes, completes, or alters a written instrument or;

(b) Possesses, utters, offers, disposes of, or puts off as true a written instrument which he knows to be forged.

(2) Forgery is a Class C felony.

NEW SECTION. Sec. 9A.60.030. OBTAINING A SIGNATURE BY DECEPTION OR DURESS. (1) A person is guilty of obtaining a signature by deception or duress if by deception or duress and with intent to defraud or deprive he causes another person to sign or execute a written instrument.

(2) Obtaining a signature by deception is a Class C felony.

NEW SECTION. Sec. 9A.60.040. CRIMINAL IMPERSONATION. (1) A person is guilty of criminal impersonation if he:

(a) Assumes a false identity and does an act in his assumed character with intent to defraud another or for any other unlawful purpose; or

(b) Pretends to be a representative of some person or organization or a public servant and does an act in his pretended capacity with intent to defraud another or for any other unlawful purpose.

(2) Criminal impersonation is a gross misdemeanor.

NEW SECTION. Sec. 9A.60.050. FALSE CERTIFICATION. (1) Any person is guilty of false certification, if, being an officer authorized to take a proof or acknowledgment of an instrument which by law may be recorded, he knowingly certifies falsely that the execution of such instrument was acknowledged by any party thereto or that the execution thereof was proved.

(2) False certification is a gross misdemeanor.

CHAPTER 9A.64 FAMILY OFFENSES

NEW SECTION. Sec. 9A.64.010. BIGAMY. (1) A person is guilty of bigamy if he intentionally marries or purports to marry another person when either person has a living spouse.

(2) In any prosecution under this section, it is a defense that at the time of the subsequent marriage or purported marriage:

- (a) The actor reasonably believed that the prior spouse was dead; or
 - (b) A court had entered a judgment purporting to terminate or annul any prior disqualifying marriage and the actor did not know that such judgment was invalid; or
 - (c) The actor reasonably believed that he was legally eligible to marry.
- (3) Bigamy is a Class C felony.

NEW SECTION. Sec. 9A.64.020. **INCEST.** (1) A person is guilty of incest if he engages in sexual intercourse with a person whom he knows to be related to him, either legitimately or illegitimately, as an ancestor, descendant, brother, or sister of either the whole or the half blood.

(2) As used in this section, "descendant" includes stepchildren and adopted children under eighteen years of age.

(3) Incest is a Class C felony.

CHAPTER 9A.68

BRIBERY AND CORRUPT INFLUENCE

NEW SECTION. Sec. 9A.68.010. **BRIBERY.** (1) A person is guilty of bribery if:

(a) With the intent to secure a particular result in a particular matter involving the exercise of the public servant's vote, opinion, judgment, exercise of discretion, or other action in his official capacity, he offers, confers, or agrees to confer any pecuniary benefit upon such public servant; or

(b) Being a public servant, he requests, accepts, or agrees to accept any pecuniary benefit pursuant to an agreement or understanding that his vote, opinion, judgment, exercise of discretion, or other action as a public servant will be used to secure or attempt to secure a particular result in a particular matter.

(2) It is no defense to a prosecution under this section that the public servant sought to be influenced was not qualified to act in the desired way, whether because he had not yet assumed office, lacked jurisdiction, or for any other reason.

(3) Bribery is a Class B felony.

NEW SECTION. Sec. 9A.68.020. **REQUESTING UNLAWFUL COMPENSATION.** (1) A public servant is guilty of requesting unlawful compensation if he requests a pecuniary benefit for the performance of an official action knowing that he is required to perform that action without compensation or at a level of compensation lower than that requested.

(2) Requesting unlawful compensation is a Class C felony.

NEW SECTION. Sec. 9A.68.030. **RECEIVING OR GRANTING UNLAWFUL COMPENSATION.** (1) A person is guilty of receiving or granting unlawful compensation if:

(a) Being a public servant, he requests, accepts, or agrees to accept compensation for advice or other assistance in preparing a bill, contract, claim, or transaction regarding which he knows he is likely to have an official discretion to exercise; or

(b) He knowingly offers, pays, or agrees to pay compensation to a public servant for advice or other assistance in preparing or promoting a bill, contract, claim, or other transaction regarding which the public servant is likely to have an official discretion to exercise.

(2) Receiving or granting unlawful compensation is a Class C felony.

NEW SECTION. Sec. 9A.68.040. **TRADING IN PUBLIC OFFICE.** (1) A person is guilty of trading in public office if:

(a) He offers, confers, or agrees to confer any pecuniary benefit upon a public servant pursuant to an agreement or understanding that such actor will or may be appointed to a public office; or

(b) Being a public servant, he requests, accepts, or agrees to accept any pecuniary benefit from another person pursuant to an agreement or understanding that such person will or may be appointed to a public office.

(2) Trading in public office is a Class C felony.

NEW SECTION. Sec. 9A.68.050. **TRADING IN SPECIAL INFLUENCE.** (1) A person is guilty of trading in special influence if:

(a) He offers, confers, or agrees to confer any pecuniary benefit upon another person pursuant to an agreement or understanding that such other person will offer or

confer a benefit upon a public servant or procure another to do so with intent thereby to secure or attempt to secure a particular result in a particular matter; or

(b) He requests, accepts, or agrees to accept any pecuniary benefit pursuant to an agreement or understanding that he will offer or confer a benefit upon a public servant or procure another to do so with intent thereby to secure or attempt to secure a particular result in a particular matter.

(2) Trading in special influence is a Class C felony.

CHAPTER 9A.72

PERJURY

NEW SECTION. Sec. 9A.72.010. DEFINITIONS. The following definitions are applicable in this chapter unless the context otherwise requires:

(1) "Materially false statement" means any false statement oral or written, regardless of its admissibility under the rules of evidence, which could have affected the course or outcome of the proceeding; whether a false statement is material shall be determined by the court as a matter of law;

(2) "Oath" includes an affirmation and every other mode authorized by law of attesting to the truth of that which is stated; in this chapter, written statements shall be treated as if made under oath if:

(a) The statement was made on or pursuant to instructions on an official form bearing notice, authorized by law, to the effect that false statements made therein are punishable; or

(b) The statement recites that it was made under oath, the declarant was aware of such recitation at the time he made the statement, intended that the statement should be represented as a sworn statement, and the statement was in fact so represented by its delivery or utterance with the signed jurat of an officer authorized to administer oaths appended thereto;

(3) An oath is "required or authorized by law" when the use of the oath is specifically provided for by statute or regulatory provision;

(4) "Official proceeding" means a proceeding heard before any legislative, judicial, administrative, or other government agency or official authorized to hear evidence under oath, including any referee, hearing examiner, commissioner, notary, or other person taking testimony or depositions;

(5) "Juror" means any person who is a member of any jury, including a grand jury, impaneled by any court of this state or by any public servant authorized by law to impanel a jury; the term juror also includes any person who has been drawn or summoned to attend as a prospective juror;

(6) "Testimony" includes oral or written statements, documents, or any other material that may be offered by a witness in an official proceeding.

NEW SECTION. Sec. 9A.72.020. PERJURY IN THE FIRST DEGREE. (1) A person is guilty of perjury in the first degree if in any official proceeding he makes a materially false statement which he knows to be false under an oath required or authorized by law.

(2) Knowledge of the materiality of the statement is not an element of this crime, and the actor's mistaken belief that his statement was not material is not a defense to a prosecution under this section.

(3) Perjury in the first degree is a Class B felony.

NEW SECTION. Sec. 9A.72.030. PERJURY IN THE SECOND DEGREE. (1) A person is guilty of perjury in the second degree if, with intent to mislead a public servant in the performance of his duty, he makes a materially false statement, which he knows to be false under an oath required or authorized by law.

(2) Perjury in the second degree is a Class C felony.

NEW SECTION. Sec. 9A.72.040. FALSE SWEARING. (1) A person is guilty of false swearing if he makes a false statement, which he knows to be false, under an oath required or authorized by law.

(2) False swearing is a gross misdemeanor.

NEW SECTION. Sec. 9A.72.050. PERJURY AND FALSE SWEARING: INCONSISTENT STATEMENTS. (1) Where, in the course of one or more official pro-

ceedings, a person makes inconsistent material statements under oath, the prosecution may proceed by setting forth the inconsistent statements in a single count alleging in the alternative that one or the other was false and known by the defendant to be false. In such case it shall not be necessary for the prosecution to prove which material statement was false but only that one or the other was false and known by the defendant to be false.

(2) The highest offense of which a person may be convicted in such an instance as set forth in subsection (1) of this section shall be determined by hypothetically assuming each statement to be false. If perjury of different degrees would be established by the making of the two statements, the person may only be convicted of the lesser degree. If perjury or false swearing would be established by the making of the two statements, the person may only be convicted of false swearing. For purposes of this section, no corroboration shall be required of either inconsistent statement.

NEW SECTION. Sec. 9A.72.060. PERJURY AND FALSE SWEARING: RETRACTION. No person shall be convicted of perjury or false swearing if he retracts his false statement in the course of the same proceeding in which it was made, if in fact he does so before it becomes manifest that the falsification is or will be exposed and before the falsification substantially affects the proceeding. Statements made in separate hearings at separate stages of the same trial, administrative, or other official proceeding shall be treated as if made in the course of the same proceeding.

NEW SECTION. Sec. 9A.72.070. PERJURY AND FALSE SWEARING: IRREGULARITIES NO DEFENSE. It is no defense to a prosecution for perjury or false swearing:

- (1) That the oath was administered or taken in an irregular manner; or
- (2) That the person administering the oath lacked authority to do so, if the taking of the oath was required or authorized by law.

NEW SECTION. Sec. 9A.72.080. STATEMENT OF WHAT ONE DOES NOT KNOW TO BE TRUE. Every unqualified statement of that which one does not know to be true is equivalent to a statement of that which he knows to be false.

NEW SECTION. Sec. 9A.72.090. BRIBING A WITNESS. (1) A person is guilty of bribing a witness if he offers, confers, or agrees to confer any benefit upon a witness or a person he has reason to believe is about to be called as a witness in any official proceeding with intent to:

- (a) Influence the testimony of that person; or
- (b) Induce that person to avoid legal process summoning him to testify; or
- (c) Induce that person to absent himself from an official proceeding to which he has been legally summoned.

(2) Bribing a witness is a Class B felony.

NEW SECTION. Sec. 9A.72.100. BRIBE RECEIVING BY A WITNESS. (1) A witness or a person who has reason to believe he is about to be called as a witness in any official proceeding is guilty of bribe receiving by a witness if he requests, accepts, or agrees to accept any benefit pursuant to an agreement or understanding that:

- (a) His testimony will thereby be influenced; or
- (b) He will attempt to avoid legal process summoning him to testify; or
- (c) He will attempt to absent himself from an official proceeding to which he has been legally summoned.

(2) Bribe receiving by a witness is a Class B felony.

NEW SECTION. Sec. 9A.72.110. INTIMIDATING A WITNESS. (1) A person is guilty of intimidating a witness if, by use of a threat directed to a witness or a person he has reason to believe is about to be called as a witness in any official proceedings, he attempts to:

- (a) Influence the testimony of that person; or
 - (b) Induce that person to elude legal process summoning him to testify; or
 - (c) Induce that person to absent himself from such proceedings.
- (2) "Threat" as used in this section means
- (a) to communicate, directly or indirectly, the intent immediately to use force against any person who is present at the time; or

(b) threats as defined in section 9A.04.110(25).

(3) Intimidating a witness is a Class B felony.

NEW SECTION. Sec. 9A.72.120. TAMPERING WITH A WITNESS. (1) A person is guilty of tampering with a witness if he attempts to induce a witness or person he has reason to believe is about to be called as a witness in any official proceeding to:

(a) Testify falsely or, without right or privilege to do so, to withhold any testimony; or

(b) Absent himself from such proceedings.

(2) Tampering with a witness is a Class C felony.

NEW SECTION. Sec. 9A.72.130. INTIMIDATING A JUROR. (1) A person is guilty of intimidating a juror if, by use of a threat, he attempts to influence a juror's vote, opinion, decision, or other official action as a juror.

(2) "Threat" as used in this section means

(a) to communicate, directly or indirectly, the intent immediately to use force against any person who is present at the time; or

(b) threats as defined in section 9A.04.110(25).

(3) Intimidating a juror is a Class B felony.

NEW SECTION. Sec. 9A.72.140. JURY TAMPERING. (1) A person is guilty of jury tampering if with intent to influence a juror's vote, opinion, decision, or other official action in a case, he attempts to communicate directly or indirectly with a juror other than as part of the proceedings in the trial of the case.

(2) Jury tampering is a gross misdemeanor.

NEW SECTION. Sec. 9A.72.150. TAMPERING WITH PHYSICAL EVIDENCE. (1) A person is guilty of tampering with physical evidence if, having reason to believe that an official proceeding is pending or about to be instituted and acting without legal right or authority, he:

(a) Destroys, mutilates, conceals, removes, or alters physical evidence with intent to impair its appearance, character, or availability in such pending or prospective official proceeding; or

(b) Knowingly presents or offers any false physical evidence.

(2) "Physical evidence" as used in this section includes any article, object, document, record, or other thing of physical substance.

(3) Tampering with physical evidence is a gross misdemeanor.

CHAPTER 9A.76

OBSTRUCTING GOVERNMENTAL OPERATION

NEW SECTION. Sec. 9A.76.010. DEFINITIONS. The following definitions are applicable in this chapter unless the context otherwise requires:

(1) "Custody" means restraint pursuant to a lawful arrest or an order of a court;

(2) "Detention facility" means any place used for the confinement, of a person (a) arrested for, charged with or convicted of an offense, or (b) charged with being or adjudicated to be a dependent or delinquent child as defined in RCW 13.04.010 as now or hereafter amended, or (c) held for extradition or as a material witness, or (d) otherwise confined pursuant to an order of a court, or (e) in any work release, furlough, or other such facility or program;

(3) "Contraband" means any article or thing which a person confined in a detention facility is prohibited from obtaining or possessing by statute, rule, regulation, or order of a court.

NEW SECTION. Sec. 9A.76.020. OBSTRUCTING A PUBLIC SERVANT. Every person who, (1) without lawful excuse shall refuse or knowingly fail to make or furnish any statement, report, or information lawfully required of him by a public servant, or (2) in any such statement or report shall make any knowingly untrue statement to a public servant, or (3) shall knowingly hinder, delay, or obstruct any public servant in the discharge of his official powers or duties; shall be guilty of a misdemeanor.

NEW SECTION. Sec. 9A.76.030. REFUSING TO SUMMON AID FOR A PEACE OFFICER. (1) A person is guilty of refusing to summon aid for a peace officer if, upon request by a person he knows to be a peace officer, he unreasonably refuses or fails to summon aid for such peace officer.

- (2) Refusing to summon aid for a peace officer is a misdemeanor.

NEW SECTION. Sec. 9A.76.040. **RESISTING ARREST.** (1) A person is guilty of resisting arrest if he intentionally prevents or attempts to prevent a peace officer from lawfully arresting him.

- (2) Resisting arrest is a misdemeanor.

NEW SECTION. Sec. 9A.76.050. **RENDERING CRIMINAL ASSISTANCE: DEFINITION OF TERM.** As used in sections 9A.76.070, 9A.76.080, and 9A.76.090, a person "renders criminal assistance" if, with intent to prevent, hinder, or delay the apprehension or prosecution of another person who he knows has committed a crime or is being sought by law enforcement officials for the commission of a crime or has escaped from a detention facility, he:

- (1) Harbors or conceals such person; or
- (2) Warns such person of impending discovery or apprehension; or
- (3) Provides such person with money, transportation, disguise, or other means of avoiding discovery or apprehension; or
- (4) Prevents or obstructs, by use of force, deception, or threat, anyone from performing an act that might aid in the discovery or apprehension of such person; or
- (5) Conceals, alters, or destroys any physical evidence that might aid in the discovery or apprehension of such person; or
- (6) Provides such person with a weapon.

NEW SECTION. Sec. 9A.76.060. **RELATIVE DEFINED.** As used in sections 9A.76.070 and 9A.76.080, "relative" means a person:

- (1) Who is related as husband or wife, brother or sister, parent or grandparent, child or grandchild, step-child or step-parent to the person to whom criminal assistance is rendered; and

- (2) Who does not render criminal assistance to another person in one or more of the means defined in subsections (4), (5), or (6) of section 9A.76.050.

NEW SECTION. Sec. 9A.76.070. **RENDERING CRIMINAL ASSISTANCE IN THE FIRST DEGREE.** (1) A person is guilty of rendering criminal assistance in the first degree if he renders criminal assistance to a person who has committed or is being sought for murder in the first degree or any Class A felony.

- (2) Rendering criminal assistance in the first degree is:

- (a) A gross misdemeanor if it is established by a preponderance of the evidence that the actor is a relative as defined in section 9A.76.060;
- (b) A Class C felony in all other cases.

NEW SECTION. Sec. 9A.76.080. **RENDERING CRIMINAL ASSISTANCE IN THE SECOND DEGREE.** (1) A person is guilty of rendering criminal assistance in the second degree if he renders criminal assistance to a person who has committed or is being sought for a Class B or Class C felony.

- (2) Rendering criminal assistance in the second degree is:

- (a) A misdemeanor if it is established by a preponderance of the evidence that the actor is a relative as defined in section 9A.76.060;
- (b) A gross misdemeanor in all other cases.

NEW SECTION. Sec. 9A.76.090. **RENDERING CRIMINAL ASSISTANCE IN THE THIRD DEGREE.** (1) A person is guilty of rendering criminal assistance in the third degree if he renders criminal assistance to a person who has committed a gross misdemeanor or misdemeanor.

- (2) Rendering criminal assistance in the third degree is a misdemeanor.

NEW SECTION. Sec. 9A.76.100. **COMPOUNDING.** (1) A person is guilty of compounding if:

- (a) He requests, accepts, or agrees to accept any pecuniary benefit pursuant to an agreement or understanding that he will refrain from initiating a prosecution for a crime; or

- (b) He confers, or offers or agrees to confer, any pecuniary benefit upon another pursuant to an agreement or understanding that such other person will refrain from initiating a prosecution for a crime.

- (2) In any prosecution under this section, it is a defense if established by a prepon-

derance of the evidence that the pecuniary benefit did not exceed an amount which the defendant reasonably believed to be due as restitution or indemnification for harm caused by the crime.

(3) Compounding is a gross misdemeanor.

NEW SECTION. Sec. 9A.76.110. **ESCAPE IN THE FIRST DEGREE.** (1) A person is guilty of escape in the first degree if, being detained pursuant to a conviction of a felony, he escapes from custody or a detention facility.

(2) Escape in the first degree is a Class B felony.

NEW SECTION. Sec. 9A.76.120. **ESCAPE IN THE SECOND DEGREE.** (1) A person is guilty of escape in the second degree if:

(a) He escapes from a detention facility; or

(b) Having been charged with a felony, he escapes from custody.

(2) Escape in the second degree is a Class C felony.

NEW SECTION. Sec. 9A.76.130. **ESCAPE IN THE THIRD DEGREE.** (1) A person is guilty of escape in the third degree if he escapes from custody.

(2) Escape in the third degree is a gross misdemeanor.

NEW SECTION. Sec. 9A.76.140. **INTRODUCING CONTRABAND IN THE FIRST DEGREE.** (1) A person is guilty of introducing contraband in the first degree if he knowingly provides any deadly weapon to any person confined in a detention facility.

(2) Introducing contraband in the first degree is a Class B felony.

NEW SECTION. Sec. 9A.76.150. **INTRODUCING CONTRABAND IN THE SECOND DEGREE.** (1) A person is guilty of introducing contraband in the second degree if he knowingly and unlawfully provides contraband to any person confined in a detention facility with the intent that such contraband be of assistance in an escape or in the commission of a crime.

(2) Introducing contraband in the second degree is a Class C felony.

NEW SECTION. Sec. 9A.76.160. **INTRODUCING CONTRABAND IN THE THIRD DEGREE.** (1) A person is guilty of introducing contraband in the third degree if he knowingly and unlawfully provides contraband to any person confined in a detention facility.

(2) Introducing contraband in the third degree is a misdemeanor.

NEW SECTION. Sec. 9A.76.170. **BAIL JUMPING.** (1) Any person having been released by court order or admitted to bail with the requirement of a subsequent personal appearance before any court of this state, and who knowingly fails without lawful excuse to appear as required is guilty of bail jumping. Unless otherwise established, the failure to appear when required shall be inferred to have been without lawful excuse.

(2) Bail jumping is:

(a) A Class A Felony if the person was held for, charged with, or convicted of murder in the first degree;

(b) A Class B felony if the person was held for, charged with, or convicted of a Class A felony;

(c) A Class C felony if the person was held for, charged with, or convicted of a Class B felony;

(d) A gross misdemeanor if the person was held for, charged with, or convicted of a Class C felony;

(e) A misdemeanor if the person was held for, charged with, or convicted of a gross misdemeanor or misdemeanor.

NEW SECTION. Sec. 9A.76.180. **INTIMIDATING A PUBLIC SERVANT.** (1) A person is guilty of intimidating a public servant if, by use of a threat, he attempts to influence a public servant's vote, opinion, decision, or other official action as a public servant.

(2) For purposes of this section "public servant" shall not include jurors.

(3) "Threat" as used in this section means

(a) to communicate, directly or indirectly, the intent immediately to use force

against any person who is present at the time; or(b) threats as defined in section 9A.04.110(25).

(4) Intimidating a public servant is a Class B felony.

CHAPTER 9A.80 ABUSE OF OFFICE

NEW SECTION. Sec. 9A.80.010. **OFFICIAL MISCONDUCT.** (1) A public servant is guilty of official misconduct if, with intent to obtain a benefit or to deprive another person of a lawful right or privilege:

- (a) He intentionally commits an authorized act under color of law; or
 - (b) He intentionally refrains from performing a duty imposed upon him by law.
- (2) Official misconduct is a gross misdemeanor.

CHAPTER 9A.84 PUBLIC DISTURBANCE

NEW SECTION. Sec. 9A.84.010. **RIOT.** (1) A person is guilty of the crime of riot if, acting with three or more other persons, he knowingly and unlawfully uses or threatens to use force, or in any way participates in the use of such force, against any other person or against property.

(2) The crime of riot is:

- (a) A Class C felony, if the actor is armed with a deadly weapon;
- (b) A gross misdemeanor in all other cases.

NEW SECTION. Sec. 9A.84.020. **FAILURE TO DISPERSE.** (1) A person is guilty of failure to disperse if:

(a) He congregates with a group of three or more other persons and there are acts of conduct within that group which create a substantial risk of causing injury to any person, or substantial harm to property; and

(b) He refuses or fails to disperse when ordered to do so by a peace officer or other public servant engaged in enforcing or executing the law.

(2) Failure to disperse is a misdemeanor.

NEW SECTION. Sec. 9A.84.030. **DISORDERLY CONDUCT.** (1) A person is guilty of disorderly conduct if he:

(a) Uses abusive language and thereby intentionally creates a risk of assault; or

(b) Intentionally disrupts any lawful assembly or meeting of persons without lawful authority; or

(c) Intentionally obstructs vehicular or pedestrian traffic without lawful authority.

(2) Disorderly conduct is a misdemeanor.

NEW SECTION. Sec. 9A.84.040. **FALSE REPORTING.** (1) A person is guilty of false reporting if with knowledge that the information reported, conveyed or circulated is false, he initiates or circulates a false report or warning of an alleged occurrence or impending occurrence of a fire, explosion, crime, catastrophe, or emergency knowing that such false report is likely to cause evacuation of a building, place of assembly, or transportation facility, or to cause public inconvenience or alarm.

(2) False reporting is a gross misdemeanor.

CHAPTER 9A.88 PUBLIC INDECENCY

NEW SECTION. Sec. 9A.88.010. **PUBLIC INDECENCY.** (1) A person is guilty of public indecency if he makes any open and obscene exposure of his person or the person of another knowing that such conduct is likely to cause reasonable affront or alarm.

(2) Public indecency is a misdemeanor unless such person exposes himself to a person under the age of fourteen years in which case indecency is a gross misdemeanor.

NEW SECTION. Sec. 9A.88.020. **COMMUNICATION WITH A MINOR FOR IMMORAL PURPOSES.** Any person who communicates with a child under the age of seventeen years of age for immoral purposes shall be guilty of a gross misdemeanor, unless such person has previously been convicted of a felony sexual offense or has previously been convicted under this section or RCW 9.79.130, in which case such person shall be guilty of a Class C felony.

NEW SECTION. Sec. 9A.88.030. **PROSTITUTION.** (1) A person is guilty of

prostitution if such person engages or agrees or offers to engage in sexual conduct with another person in return for a fee.

(2) Prostitution is a misdemeanor.

NEW SECTION. Sec. 9A.88.050. PROSTITUTION: NO DEFENSE. In any prosecution for prostitution, the sex of the two parties or prospective parties to the sexual conduct engaged in, contemplated, or solicited is immaterial, and it is no defense that:

(1) Such persons were of the same sex; or

(2) The person who received, agreed to receive, or solicited a fee was a male and the person who paid or agreed or offered to pay such fee was a female.

NEW SECTION. Sec. 9A.88.060. PROMOTING PROSTITUTION—DEFINITIONS. The following definitions are applicable in sections 9A.88.070 through 9A.88.090:

(1) "Advances prostitution." A person "advances prostitution" if, acting other than as a prostitute or as a customer thereof, he causes or aids a person to commit or engage in prostitution, procures or solicits customers for prostitution, provides persons or premises for prostitution purposes, operates or assists in the operation of a house of prostitution or a prostitution enterprise, or engages in any other conduct designed to institute, aid, or facilitate an act or enterprise of prostitution.

(2) "Profits from prostitution." A person "profits from prostitution" if, acting other than as a prostitute receiving compensation for personally rendered prostitution services, he accepts or receives money or other property pursuant to an agreement or understanding with any person whereby he participates or is to participate in the proceeds of prostitution activity.

NEW SECTION. Sec. 9A.88.070. PROMOTING PROSTITUTION IN THE FIRST DEGREE. (1) A person is guilty of promoting prostitution in the first degree if he knowingly:

(a) Advances prostitution by compelling a person by threat or force to engage in prostitution or profits from prostitution which results from such threat or force; or

(b) Advances or profits from prostitution of a person less than eighteen years old.

(2) Promoting prostitution in the first degree is a Class B felony.

NEW SECTION. Sec. 9A.88.080. PROMOTING PROSTITUTION IN THE SECOND DEGREE. (1) A person is guilty of promoting prostitution in the second degree if he knowingly:

(a) Profits from prostitution; or

(b) Advances prostitution.

(2) Promoting prostitution in the second degree is a Class C felony.

NEW SECTION. Sec. 9A.88.090. PERMITTING PROSTITUTION. (1) A person is guilty of permitting prostitution if, having possession or control of premises which he knows are being used for prostitution purposes, he fails without lawful excuse to make reasonable effort to halt or abate such use.

(2) Permitting prostitution is a misdemeanor.

NEW SECTION. Sec. 9A.88.100. INDECENT LIBERTIES. (1) A person is guilty of indecent liberties when he knowingly causes another person who is not his spouse to have sexual contact with him or another:

(a) By forcible compulsion; or

(b) When the other person is less than fourteen years of age; or

(c) When the other person is incapable of consent by reason of being mentally defective, mentally incapacitated, or physically helpless.

(2) For purposes of this section, "sexual contact" means any touching of the sexual or other intimate parts of a person done for the purpose of gratifying sexual desire of either party.

(3) Indecent liberties is a Class B felony.

CHAPTER 9A.92 LAWS REPEALED

NEW SECTION. Sec. 9A.92.010. ACTS OR PARTS OF ACTS REPEALED. The following acts or parts of acts are each hereby repealed:

- (1) Section 51, chapter 249, Laws of 1909 and RCW 9.01.010;
- (2) Section 11, page 78, Laws of 1854, section 11, page 106, Laws of 1859, section 11, page 200, Laws of 1869, section 11, page 200, Laws of 1873, section 781, Code 1881, section 1, chapter 249, Laws of 1909 and RCW 9.01.020;
- (3) Section 125, page 98, Laws of 1854, section 124, page 129, Laws of 1859, section 134, page 229, Laws of 1869, section 140, page 213, Laws of 1873, section 957, Code of 1881, section 8, chapter 249, Laws of 1909 and RCW 9.01.030;
- (4) Section 2, chapter 249, Laws of 1909 and RCW 9.01.040;
- (5) Section 2, chapter 249, Laws of 1909 and RCW 9.01.050;
- (6) Section 127, page 98, Laws of 1854, section 136, page 229, Laws of 1869, section 142, page 213, Laws of 1873, section 956, Code of 1881, section 10, chapter 249, Laws of 1909 and RCW 9.01.060;
- (7) Section 30, page 15, Laws of 1873, section 1161, Code of 1881, section 12, chapter 249, Laws of 1909 and RCW 9.01.070;
- (8) Section 1, chapter 233, Laws of 1927 and RCW 9.01.080;
- (9) Section 784, Code of 1881, section 17, chapter 249, Laws of 1909 and RCW 9.01.090;
- (10) Section 18, chapter 249, Laws of 1909 and RCW 9.01.100;
- (11) Section 5, chapter 249, Laws of 1909 and RCW 9.01.111;
- (12) Section 4, chapter 249, Laws of 1909 and RCW 9.01.112;
- (13) Section 3, chapter 249, Laws of 1909 and RCW 9.01.113;
- (14) Section 6, chapter 249, Laws of 1909 and RCW 9.01.114;
- (15) Section 2, chapter 76, Laws of 1967 and RCW 9.01.116;
- (16) Section 1, Code of 1881, section 47, chapter 249, Laws of 1909 and RCW 9.01.150;
- (17) Section 46, chapter 249, Laws of 1909 and RCW 9.01.170;
- (18) Section 48, chapter 249, Laws of 1909 and RCW 9.01.180;
- (19) Section 49, chapter 249, Laws of 1909 and RCW 9.01.190;
- (20) Section 376, chapter 249, Laws of 1909 and RCW 9.08.040;
- (21) Section 40, page 82, Laws of 1854, section 44, page 189, Laws of 1873, section 823, Code of 1881, section 40, page 77, Laws of 1886, section 1, chapter 87, Laws of 1895, section 320, chapter 249, Laws of 1909, section 1, chapter 11, Laws of 1863 and RCW 9.09.010;
- (22) Section 40, page 82, Laws of 1854, section 44, page 189, Laws of 1873, section 823, Code of 1881, section 40, page 77, Laws of 1886, section 1, chapter 87, Laws of 1895, section 321, chapter 249, Laws of 1909, section 1, chapter 265, Laws of 1927, section 2, chapter 11, Laws of 1963, section 1, chapter 17, Laws of 1965 ex. sess. and RCW 9.09.020;
- (23) Section 322, chapter 249, Laws of 1909 and RCW 9.09.030;
- (24) Section 323, chapter 249, Laws of 1909 and RCW 9.09.040;
- (25) Section 324, chapter 249, Laws of 1909 and RCW 9.09.050;
- (26) Section 6, chapter 87, Laws of 1895, section 325, chapter 249, Laws of 1909 and RCW 9.09.060;
- (27) Section 24, page 79, Laws of 1854, section 28, page 80, Laws of 1854, sections 24 through 30, page 202, Laws of 1869, sections 29 through 34, page 185, Laws of 1873, sections 801 through 809, Code of 1881, section 161, chapter 249, Laws of 1909 and RCW 9.11.010;
- (28) Section 24, page 79, Laws of 1854, section 28, page 80, Laws of 1854, sections 24 through 30, page 202, Laws of 1869, sections 29 through 34, page 185, Laws of 1873, sections 801 through 809, Code of 1881, section 162, chapter 249, Laws of 1909 and RCW 9.11.020;
- (29) Section 24, page 79, Laws of 1854, section 28, page 80, Laws of 1854, sections 24 through 30, page 202, Laws of 1869, sections 29 through 34, page 185, Laws of 1873, sections 801 through 809, Code of 1881, section 163, chapter 249, Laws of 1909 and RCW 9.11.030;
- (30) Section 164, chapter 249, Laws of 1909 and RCW 9.11.040;
- (31) Section 165, chapter 249, Laws of 1909 and RCW 9.11.050;

(32) Section 122, page 226, Laws of 1869, section 128, page 210, Laws of 1873, section 945, Code of 1881, sections 6 and 7, chapter 149, Laws of 1895, section 201, chapter 249, Laws of 1909 and RCW 9.15.010;

(33) Section 202, chapter 249, Laws of 1909 and RCW 9.15.020;

(34) Sections 74 and 75, page 89, Laws of 1854, section 75, page 119, Laws of 1859, section 80, page 216, Laws of 1869, section 84, page 200, Laws of 1873, section 880, Code of 1881, section 68, chapter 249, Laws of 1909 and RCW 9.18.010;

(35) Section 74, page 89, Laws of 1854, section 74, page 119, Laws of 1859, section 79, page 216, Laws of 1869, section 83, page 200, Laws of 1873, section 879, Code of 1881, section 69, chapter 249, Laws of 1909 and RCW 9.18.020;

(36) Section 73, page 89, Laws of 1854-55, section 73, page 118, Laws of 1859-60, section 78, page 216, Laws of 1869, section 82, page 199, Laws of 1873, section 878, Code of 1881, section 70, chapter 249, Laws of 1909 and RCW 9.18.040;

(37) Section 71, page 89, Laws of 1854, section 71, page 118, Laws of 1859, section 77, page 216, Laws of 1869, section 81, page 199, Laws of 1873, section 877, Code of 1881, section 71, chapter 249, Laws of 1909 and RCW 9.18.040;

(38) Section 72, chapter 249, Laws of 1909 and RCW 9.18.050;

(39) Section 84, page 200, Laws of 1873, section 880, Code of 1881, section 73, chapter 249, Laws of 1909 and RCW 9.18.060;

(40) Section 74, chapter 249, Laws of 1909 and RCW 9.18.070;

(41) Section 79, page 90, Laws of 1854, section 885, Code of 1881, section 79, chapter 249, Laws of 1909 and RCW 9.18.090;

(42) Section 75, page 89, Laws of 1854, section 880, Code of 1881, section 80, chapter 249, Laws of 1909 and RCW 9.18.100;

(43) Section 81, chapter 249, Laws of 1909 and RCW 9.18.110;

(44) Section 44, page 83, Laws of 1854, section 48, page 190, Laws of 1873, section 827, Code of 1881, section 1, page 14, Laws of 1888, section 326, chapter 249, Laws of 1909 and RCW 9.19.010;

(45) Section 44, page 83, Laws of 1854, section 48, page 190, Laws of 1873, section 827, Code of 1881, section 1, page 14, Laws of 1888, section 327, chapter 249, Laws of 1909 and RCW 9.19.020;

(46) Section 49, page 190, Laws of 1873, section 828, Code of 1881, section 328, chapter 249, Laws of 1909 and RCW 9.19.030;

(47) Section 329, chapter 249, Laws of 1909 and RCW 9.19.040;

(48) Section 1, chapter 90, Laws of 1893, section 330, chapter 249, Laws of 1909 and RCW 9.19.050;

(49) Section 130, chapter 249, Laws of 1909 and RCW 9.22.010;

(50) Section 131, chapter 249, Laws of 1909 and RCW 9.22.020;

(51) Section 132, chapter 249, Laws of 1909 and RCW 9.22.030;

(52) Section 1, chapter 211, Laws of 1961 and RCW 9.22.040;

(53) Section 1, page 15, Laws of 1862, section 70, page 196, Laws of 1873, sections 856 and 857, Code of 1881, section 339, chapter 249, Laws of 1909 and RCW 9.26.010;

(54) Section 340, chapter 249, Laws of 1909 and RCW 9.26.020;

(55) Section 7, page 15, Laws of 1862, section 70, page 196, Laws of 1873, section 857, Code of 1881 and RCW 9.26.030;

(56) Section 1, chapter 36, Laws of 1970 ex. sess. and RCW 9.26.010;

(57) Section 2, chapter 36, Laws of 1970 ex. sess. and RCW 9.26.020;

(58) Section 3, chapter 36, Laws of 1970 ex. sess. and RCW 9.26A.030;

(59) Section 4, chapter 36, Laws of 1970 ex. sess. and RCW 9.26A.040;

(60) Section 5, chapter 36, Laws of 1970 ex. sess. and RCW 9.26A.050;

(61) Section 6, chapter 36, Laws of 1970 ex. sess. and RCW 9.26A.060;

(62) Section 7, chapter 36, Laws of 1970 ex. sess. and RCW 9.26A.070;

(63) Section 8, chapter 36, Laws of 1970 ex. sess. and RCW 9.26A.080;

(64) Section 295, chapter 249, Laws of 1909 and RCW 9.27.010;

(65) Section 282, chapter 249, Laws of 1909 and RCW 9.27.020;

(66) Section 309, chapter 249, Laws of 1909 and RCW 9.27.030;

- (67) Section 64, page 87, Laws of 1854, sections 73 and 74, page 197, Laws of 1873, sections 859 through 861, Code of 1881, section 296, chapter 249, Laws of 1909 and RCW 9.27.040;
- (68) Section 65, page 87, Laws of 1854, sections 73 and 74, page 197, Laws of 1873, sections 859 through 861, Code of 1881, section 297, chapter 249, Laws of 1909 and RCW 9.27.050;
- (69) Section 65, 87, Laws of 1854, sections 73 and 74, page 197, Laws of 1873, section 859 through 861, Code of 1881, section 298, chapter 249, Laws of 1909 and RCW 9.27.060;
- (70) Sections 65 and 66, page 87, Laws of 1854, sections 73 and 74, page 197, Laws of 1873, section 859 through 861, Code of 1881, section 299, chapter 249, Laws of 1909 and RCW 9.27.070;
- (71) Section 863, Code of 1881, section 300, chapter 249, Laws of 1909 and RCW 9.27.080;
- (72) Section 301, chapter 249, Laws of 1909 and RCW 9.27.090;
- (73) Section 302, chapter 249, Laws of 1909 and RCW 9.27.100;
- (74) Section 22, page 79, Laws of 1854, section 22, page 202, Laws of 1869, section 799, Code of 1881, section 167, chapter 249, Laws of 1909 and RCW 9.30.010;
- (75) Section 23, page 79, Laws of 1854, section 23, page 202, Laws of 1869, section 25, page 185, Laws of 1873, section 800, Code of 1881, section 168, chapter 249, Laws of 1909 and RCW 9.30.020;
- (76) Section 169, chapter 249, Laws of 1909 and RCW 9.30.030;
- (77) Section 170, chapter 249, Laws of 1909 and RCW 9.30.040;
- (78) Section 171, chapter 249, Laws of 1909 and RCW 9.30.050;
- (79) Section 1, chapter 320, Laws of 1955 and RCW 9.31.005;
- (80) Section 90, chapter 249, Laws of 1909, section 2, chapter 320, Laws of 1955 and RCW 9.31.010;
- (81) Section 76, page 89, Laws of 1854, section 85, page 200, Laws of 1873, section 881, Code of 1881, sections 1 and 2, chapter 46, Laws of 1905, section 91, chapter 249, Laws of 1909 and RCW 9.31.020;
- (82) Section 77, page 90, Laws of 1854, section 86, page 201, Laws of 1873, section 882, Code of 1881, section 92, chapter 249, Laws of 1909 and RCW 9.31.030;
- (83) Section 77, page 90, Laws of 1854, sections 86 and 87, page 201, Laws of 1873, section 882, Code of 1881, section 93, chapter 249, Laws of 1909 and RCW 9.31.040;
- (84) Section 94, chapter 249, Laws of 1909 and RCW 9.31.050;
- (85) Section 87, chapter 249, Laws of 1909 and RCW 9.31.060;
- (86) Section 88, chapter 249, Laws of 1909 and RCW 9.31.070;
- (87) Section 125, chapter 249, Laws of 1909 and RCW 9.31.080;
- (88) Section 1, chapter 182, Laws of 1951 and RCW 9.31.100;
- (89) Section 822, Code of 1881, section 358, chapter 249, Laws of 1909 and RCW 9.33.010;
- (90) Section 87, page 91, Laws of 1854, section 96, page 203, Laws of 1873, section 894, Code of 1881, section 359, chapter 249, Laws of 1909 and RCW 9.33.020;
- (91) Section 87, page 91, Laws of 1854, section 96, page 203, Laws of 1873, section 894, Code of 1881, section 360, chapter 249, Laws of 1909 and RCW 9.33.040;
- (92) Section 822, Code of 1881, section 361, chapter 249, Laws of 1909 and RCW 9.33.050;
- (93) Section 362, chapter 249, Laws of 1909 and RCW 9.33.060;
- (94) Section 108, page 95, Laws of 1854, section 119, page 208, Laws of 1873, section 923, Code of 1881 and RCW 9.33.070;
- (95) Section 363, chapter 249, Laws of 1909 and RCW 9.34.010;
- (96) Section 364, chapter 249, Laws of 1909 and RCW 9.34.020;
- (97) Section 365, chapter 249, Laws of 1909 and RCW 9.37.010;
- (98) Section 367, chapter 249, Laws of 1909 and RCW 9.37.020;
- (99) Section 421, chapter 249, Laws of 1909 and RCW 9.37.030;
- (100) Section 422, chapter 249, Laws of 1909 and RCW 9.37.040;

- (101) Section 1, chapter 46, Laws of 1911 and RCW 9.37.050;
- (102) Section 1, chapter 78, Laws of 1937 and RCW 9.37.060;
- (103) Section 370, chapter 249, Laws of 1909 and RCW 9.38.030;
- (104) Section 409, chapter 249, Laws of 1909 and RCW 9.38.050;
- (105) Section 267, chapter 249, Laws of 1909 and RCW 9.40.010;
- (106) Section 268, chapter 249, Laws of 1909 and RCW 9.40.020;
- (107) Section 269, chapter 249, Laws of 1909 and RCW 9.40.030;
- (108) Section 847, Code of 1881, section 9, page 127, Laws of 1890 and RCW 9.40.050;
- (109) Section 2, page 300, Laws of 1877, section 1225, Code of 1881, section 13, chapter 69, Laws of 1891 and RCW 9.40.060;
- (110) Section 1, page 300, Laws of 1877, section 1224, Code of 1881, section 14, chapter 69, Laws of 1891 and RCW 9.40.070;
- (111) Section 4, page 300, Laws of 1877, section 1227, Code of 1881, section 15, chapter 69, Laws of 1891 and RCW 9.40.080;
- (112) Section 338, chapter 249, Laws of 1909 and RCW 9.44.010;
- (113) Section 57, page 85, Laws of 1854, section 63, page 194, Laws of 1873, section 854, Code of 1881, section 331, chapter 249, Laws of 1909 and RCW 9.44.020;
- (114) Section 332, chapter 249, Laws of 1909 and RCW 9.44.030;
- (115) Section 57, page 85, Laws of 1854, section 63, page 194, Laws of 1873, section 854, Code of 1881, section 333, chapter 249, Laws of 1909 and RCW 9.44.040;
- (116) Section 334, chapter 249, Laws of 1909 and RCW 9.44.050;
- (117) Section 57, page 85, Laws of 1854, section 63, page 194, Laws of 1873, section 854, Code of 1881, section 335, chapter 249, Laws of 1909 and RCW 9.44.060;
- (118) Section 336, chapter 249, Laws of 1909 and RCW 9.44.070;
- (119) Section 122, chapter 249, Laws of 1909 and RCW 9.45.010;
- (120) Section 219, chapter 249, Laws of 1909 and RCW 9.45.030;
- (121) Section 375, chapter 249, Laws of 1909 and RCW 9.45.050;
- (122) Section 1, page 99, Laws of 1890 and RCW 9.45.200;
- (123) Section 138, chapter 249, Laws of 1909, section 1, chapter 49, Laws of 1970 ex. sess. and RCW 9.48.010;
- (124) Section 139, chapter 249, Laws of 1909 and RCW 9.48.020;
- (125) Section 12, page 78, Laws of 1854, section 12, page 200, Laws of 1869, section 12, page 182, Laws of 1873, section 786, Code of 1881, section 1, chapter 69, Laws of 1891, section 140, chapter 249, Laws of 1909 and RCW 9.48.030;
- (126) Section 13, page 78, Laws of 1854, sections 13 and 14, page 200, Laws of 1869, section 13, page 182, Laws of 1873, section 790, Code of 1881, section 141, chapter 249, Laws of 1909 and RCW 9.48.040;
- (127) Section 14, page 78, Laws of 1854, section 14, page 201, Laws of 1869, section 16, page 183, Laws of 1873, section 791, Code of 1881, section 142, chapter 249, Laws of 1909 and RCW 9.48.050;
- (128) Section 16, page 78, Laws of 1854, section 16, page 201, Laws of 1869, section 18, page 183, Laws of 1873, section 793, Code of 1881, section 2, chapter 69, Laws of 1891, section 143, chapter 249, Laws of 1909, section 2, chapter 49, Laws of 1970 ex. sess. and RCW 9.48.060;
- (129) Sections 37 and 38, page 81, Laws of 1854, sections 37 and 38, page 209, Laws of 1863, sections 41 and 42, page 188, Laws of 1873, section 820, Code of 1881, section 144, chapter 249, Laws of 1909 and RCW 9.48.070;
- (130) Sections 37 and 38, page 81, Laws of 1854, sections 37 and 38, page 209, Laws of 1863, sections 41 and 42, page 188, Laws of 1873, section 821, Code of 1881, section 145, chapter 249, Laws of 1909 and RCW 9.48.080;
- (131) Section 146, chapter 249, Laws of 1909 and RCW 9.48.090;
- (132) Section 147, chapter 249, Laws of 1909 and RCW 9.48.100;
- (133) Section 18, page 78, Laws of 1854, section 18, page 201, Laws of 1869, section 20, page 184, Laws of 1873, section 795, Code of 1881, section 148, chapter 249, Laws of 1909 and RCW 9.48.110;
- (134) Section 19, page 78, Laws of 1854, section 19, page 201, Laws of 1869, sec-

tion 21, page 184, Laws of 1873, section 796, Code of 1881, section 149, chapter 249, Laws of 1909 and RCW 9.48.120;

(135) Section 124, page 97, Laws of 1854, section 130, page 227, Laws of 1869, section 136, page 211, Laws of 1873, section 995, Code of 1881, section 150, chapter 249, Laws of 1909 and RCW 9.48.130;

(136) Section 151, chapter 249, Laws of 1909 and RCW 9.48.140;

(137) Section 152, chapter 249, Laws of 1909 and RCW 9.48.150;

(138) Section 153, chapter 249, Laws of 1909 and RCW 9.48.160;

(139) Section 154, chapter 249, Laws of 1909 and RCW 9.48.170;

(140) Section 1, chapter 6, Laws of 1933 ex. sess. and RCW 9.52.010;

(141) Section 3, chapter 6, Laws of 1933 ex. sess. and RCW 9.52.020;

(142) Section 159, chapter 249, Laws of 1909 and RCW 9.52.030;

(143) Section 36, page 84, Laws of 1854, section 38, page 205, Laws of 1869, section 40, page 187, Laws of 1873, section 819, Code of 1881, section 160, chapter 249, Laws of 1909 and RCW 9.52.040;

(144) Section 45, page 83, Laws of 1854, section 50, page 190, Laws of 1873, section 830, Code of 1881, section 349, chapter 249, Laws of 1909, section 3, chapter 165, Laws of 1915 and RCW 9.54.010;

(145) Section 1, chapter 155, Laws of 1915, section 1, chapter 64, Laws of 1919 and RCW 9.54.020;

(146) Section 1, chapter 60, Laws of 1917, section 1, chapter 124, Laws of 1974 ex. sess. and RCW 9.54.030;

(147) Section 2, chapter 60, Laws of 1917 and RCW 9.54.040;

(148) Section 1, chapter 156, Laws of 1915 and RCW 9.54.050;

(149) Section 350, chapter 249, Laws of 1909 and RCW 9.54.060;

(150) Section 351, chapter 249, Laws of 1909 and RCW 9.54.070;

(151) Section 352, chapter 249, Laws of 1909 and RCW 9.54.080;

(152) Section 353, chapter 249, Laws of 1909, section 1, chapter 97, Laws of 1955 and RCW 9.54.090;

(153) Section 354, chapter 249, Laws of 1909 and RCW 9.54.100;

(154) Section 355, chapter 249, Laws of 1909 and RCW 9.54.110;

(155) Section 1, chapter 63, Laws of 1961 and RCW 9.54.115;

(156) Section 356, chapter 249, Laws of 1909 and RCW 9.54.120;

(157) Section 1, chapter 32, Laws of 1965 and RCW 9.54.140;

(158) Section 85, chapter 249, Laws of 1909 and RCW 9.55.010;

(159) Section 1, chapter 111, Laws of 1899, section 1, chapter 112, Laws of 1903, section 404, chapter 249, Laws of 1909, section 2, chapter 152, Laws of 1971 ex. sess. and RCW 9.61.010;

(160) Section 1, chapter 64, Laws of 1893, section 1, chapter 41, Laws of 1897, section 405, chapter 249, Laws of 1909, section 3, chapter 152, Laws of 1971 ex. sess. and RCW 9.61.020;

(161) Section 16, chapter 69, Laws of 1891, section 406, chapter 249, Laws of 1909, section 4, chapter 152, Laws of 1971 ex. sess. and RCW 9.61.030;

(162) Section 1, page 30, Laws of 1862, section 1, page 300, Laws of 1877, sections 842, 843, 847, 848, 1224, Code of 1881, section 5, page 126, Laws of 1890, section 11, page 122, Laws of 1890, section 10, page 127, Laws of 1890, sections 4, 8, 11, 12, 13, 14, 16, 17, chapter 69, Laws of 1891, section 1, chapter 83, Laws of 1897, section 407, chapter 249, Laws of 1909, section 5, chapter 152, Laws of 1971 ex. sess., section 1, chapter 28, Laws of 1975 and RCW 9.61.040;

(163) Section 408, chapter 249, Laws of 1909, section 6, chapter 152, Laws of 1971 ex. sess. and RCW 9.61.050;

(164) Section 414, chapter 249, Laws of 1909 and RCW 9.61.060;

(165) Section 415, chapter 249, Laws of 1909, section 1, chapter 152, Laws of 1971 ex. sess. and RCW 9.61.070;

(166) Section 2, page 71, Laws of 1883, section 17, chapter 69, Laws of 1891 and RCW 9.61.080;

(167) Section 1, chapter 114, Laws of 1899, section 7, chapter 152, Laws of 1971

ex. sess. and RCW 9.61.090;

- (168) Section 2, chapter 114, Laws of 1899 and RCW 9.61.100;
- (169) Section 3, chapter 114, Laws of 1899 and RCW 9.61.110;
- (170) Section 1, chapter 133, Laws of 1963 and RCW 9.61.220;
- (171) Section 26, page 79, Laws of 1854, section 26, page 202, Laws of 1869, section 28, page 185, Laws of 1873, section 103, Code of 1881, section 155, chapter 249, Laws of 1909 and RCW 9.65.010;
- (172) Section 156, chapter 249, Laws of 1909 and RCW 9.65.020;
- (173) Section 157, chapter 249, Laws of 1909 and RCW 9.65.030;
- (174) Section 303, chapter 249, Laws of 1909 and RCW 9.69.010;
- (175) Section 78, page 90, Laws of 1854, section 87, page 201, Laws of 1873, section 883, Code of 1881, section 112, chapter 249, Laws of 1909 and RCW 9.69.020;
- (176) Section 79, page 90, Laws of 1854, section 88, page 201, Laws of 1873, section 886, Code of 1881, section 113, chapter 249, Laws of 1909 and RCW 9.69.030;
- (177) Section 79, page 90, Laws of 1854, section 88, page 201, Laws of 1873, section 885, Code of 1881, section 114, chapter 249, Laws of 1909 and RCW 9.69.040;
- (178) Section 116, chapter 249, Laws of 1909 and RCW 9.69.050;
- (179) Section 420, chapter 249, Laws of 1909 and RCW 9.69.060;
- (180) Section 110, chapter 249, Laws of 1909 and RCW 9.69.070;
- (181) Section 1, chapter 17, Laws of 1901, section 111, chapter 249, Laws of 1909, section 1, chapter 56, Laws of 1969 ex. sess. and RCW 9.69.080;
- (182) Section 115, chapter 249, Laws of 1909 and RCW 9.69.090;
- (183) Section 59, page 88, Laws of 1854, section 69, page 118, Laws of 1859, section 79, page 199, Laws of 1873, section 867, Code of 1881, section 99, chapter 249, Laws of 1909, section 1, chapter 46, Laws of 1957 and RCW 9.72.010;
- (184) Section 870, Code of 1881, section 100, chapter 249, Laws of 1909 and RCW 9.72.020;
- (185) Section 101, chapter 249, Laws of 1909 and RCW 9.72.030;
- (186) Section 868, Code of 1881, section 102, chapter 249, Laws of 1909 and RCW 9.72.040;
- (187) Section 869, Code of 1881, section 103, chapter 249, Laws of 1909 and RCW 9.72.050;
- (188) Section 872, Code of 1881, section 104, chapter 249, Laws of 1909, section 2, chapter 46, Laws of 1957 and RCW 9.72.060;
- (189) Section 873, Code of 1881, section 105, chapter 249, Laws of 1909 and RCW 9.72.070;
- (190) Section 106, chapter 249, Laws of 1909 and RCW 9.72.080;
- (191) Section 81, page 199, Laws of 1873, section 876, Code of 1881, section 108, chapter 249, Laws of 1909 and RCW 9.72.100;
- (192) Section 71, page 89, Laws of 1854, section 77, page 216, Laws of 1869, section 81, page 199, Laws of 1873, section 877, Code of 1881, section 109, chapter 249, Laws of 1909 and RCW 9.72.110;
- (193) Sections 3 and 4, page 81, Laws of 1854, section 36, page 204, Laws of 1869, section 38, page 187, Laws of 1873, section 829, Code of 1881, section 166, chapter 249, Laws of 1909 and RCW 9.75.010;
- (194) Section 399, chapter 249, Laws of 1909 and RCW 9.75.020;
- (195) Section 6, page 126, Laws of 1890 and RCW 9.75.030;
- (196) Section 244, chapter 249, Laws of 1909 and RCW 9.76.020;
- (197) Section 245, chapter 249, Laws of 1909 and RCW 9.76.030;
- (198) Section 246, chapter 249, Laws of 1909 and RCW 9.76.040;
- (199) Section 865, Code of 1881, section 247, chapter 249, Laws of 1909 and RCW 9.76.050;
- (200) Section 1, chapter 229, Laws of 1959, section 1, chapter 76, Laws of 1967 and RCW 9.78.010;
- (201) Section 2, chapter 229, Laws of 1959 and RCW 9.78.020;
- (202) Section 4, chapter 229, Laws of 1959 and RCW 9.78.040;
- (203) Section 813, Code of 1881, section 186, chapter 249, Laws of 1909, section

125, chapter 154, Laws of 1973 1st ex. sess. and RCW 9.79.040;

(204) Section 815, Code of 1881, section 187, chapter 249, Laws of 1909, section 126, chapter 154, Laws of 1973 1st ex. sess. and RCW 9.79.050;

(205) Section 188, chapter 249, Laws of 1909, section 1, chapter 186, Laws of 1927, section 127, chapter 154, Laws of 1973 1st ex. sess. and RCW 9.79.060;

(206) Section 816, Code of 1881, section 1, chapter 33, Laws of 1905, section 189, chapter 249, Laws of 1909, section 128, chapter 154, Laws of 1973 1st ex. sess. and RCW 9.79.070;

(207) Section 190, chapter 249, Laws of 1909, section 2, chapter 74, Laws of 1937, section 1, chapter 127, Laws of 1955, section 129, chapter 154, Laws of 1973 1st ex. sess. and RCW 9.79.080;

(208) Section 121, page 225, Laws of 1869, section 127, page 209, Laws of 1873, sections 1 and 2, chapter 149, Laws of 1895, section 203, chapter 249, Laws of 1909, section 1, chapter 111, Laws of 1943 and RCW 9.79.090;

(209) Section 2, chapter 139, Laws of 1893, section 204, chapter 249, Laws of 1909, section 3, chapter 74, Laws of 1937 and RCW 9.79.100;

(210) Section 120, page 225, Laws of 1869, section 126, page 209, Laws of 1873, sections 943, 944, Code of 1881, sections 3, 4, chapter 149, Laws of 1895, section 205, chapter 249, Laws of 1909, section 1, chapter 98, Laws of 1917 and RCW 9.79.110;

(211) Section 117, page 95, Laws of 1854, section 120, page 225, Laws of 1869, section 126, page 209, Laws of 1873, section 948, Code of 1881, section 206, chapter 249, Laws of 1909 and RCW 9.79.120;

(212) Section 2, chapter 65, Laws of 1961 and RCW 9.79.130;

(213) Section 133, chapter 249, Laws of 1909 and RCW 9.80.010;

(214) Section 134, chapter 249, Laws of 1909 and RCW 9.80.020;

(215) Section 17, page 78, Laws of 1854, section 17, page 201, Laws of 1869, section 19, page 184, Laws of 1873, section 794, Code of 1881, section 135, chapter 249, Laws of 1909 and RCW 9.80.030;

(216) Section 136, chapter 249, Laws of 1909 and RCW 9.80.040;

(217) Section 137, chapter 249, Laws of 1909 and RCW 9.80.050;

(218) Section 412, chapter 249, Laws of 1909 and RCW 9.83.010;

(219) Section 1, chapter 128, Laws of 1913 and RCW 9.83.020;

(220) Section 2, chapter 128, Laws of 1913 and RCW 9.83.030;

(221) Section 3, chapter 128, Laws of 1913 and RCW 9.83.040;

(222) Section 4, chapter 128, Laws of 1913 and RCW 9.83.050;

(223) Section 1, page 124, Laws of 1890, section 413, chapter 249, Laws of 1909, section 1, chapter 139, Laws of 1913 and RCW 9.83.060;

(224) Section 64, page 212, Laws of 1869, section 67, page 195, Laws of 1873 and RCW 9.83.070;

(225) Section 1, chapter 7, Laws of 1969 and RCW 9.83.080;

(226) Section 1, page 85, Laws of 1875, section 1271, Code of 1881, section 436, chapter 249, Laws of 1909, section 1, chapter 11, Laws of 1965, section 29, chapter 122, Laws of 1972 ex. sess. and RCW 9.87.010;

(227) Section 1, chapter 62, Laws of 1915 and RCW 9.87.020;

(228) Section 3, page 90, Laws of 1875, section 1273, Code of 1881 and RCW 9.87.030;

(229) Section 932, Code of 1881 and RCW 9.91.040;

(230) Section 382, chapter 249, Laws of 1909 and RCW 9.91.070;

(231) Section 383, chapter 249, Laws of 1909 and RCW 9.91.080;

(232) Section 4, chapter 241, Laws of 1955 and RCW 9.94.060;

(233) Section 3, chapter 28, Laws of 1891 and RCW 10.01.010; and

(234) Section 10, page 77, Laws of 1854, section 779, Code 1881, section 2, chapter 28, Laws of 1891, section 1, chapter 12, Laws of 1937 and RCW 10.01.020.

NEW SECTION. Sec. 9A.92.020. SAVINGS CLAUSE. The laws repealed by section 9A.92.010 are repealed except with respect to rights and duties which matured, penalties which were incurred, and proceedings which were begun before July 1, 1976.

NEW SECTION. Sec. 9A.92.900. LEGISLATIVE DIRECTION FOR CODIFI-

CATION. The provisions of this act shall constitute a new Title in the Revised Code of Washington to be designated as Title 9A RCW."

On page 1, line 3 of the title, after "9A;" strike all material through and including "9.80.050;" on page 3, line 24 of the title and insert the following: "repealing section 51, chapter 249, Laws of 1909 and RCW 9.01.010; repealing section 11, page 78, Laws of 1854, section 11, page 106, Laws of 1859, section 11, page 200, Laws of 1869, section 11, page 200, Laws of 1873, section 781, Code of 1881, section 1, chapter 249, Laws of 1909 and RCW 9.01.020; repealing section 125, page 98, Laws of 1854, section 124, page 129, Laws of 1859, section 134, page 229, Laws of 1869, section 140, page 213, Laws of 1873, section 957, Code of 1881, section 8, chapter 249, Laws of 1909 and RCW 9.01.030; repealing section 2, chapter 249, Laws of 1909 and RCW 9.01.040; repealing section 2, chapter 249, Laws of 1909 and RCW 9.01.050; repealing section 127, page 98, Laws of 1854, section 136, page 229, Laws of 1869, section 142, page 213, Laws of 1873, section 956, Code of 1881, section 10, chapter 249, Laws of 1909 and RCW 9.01.060; repealing section 30, page 185, Laws of 1873, section 1161, Code of 1881, section 12, chapter 249, Laws of 1909 and RCW 9.01.070; repealing section 1, chapter 233, Laws of 1927 and RCW 9.01.080; repealing section 784, Code of 1881, section 17, chapter 249, Laws of 1909 and RCW 9.01.090; repealing section 18, chapter 249, Laws of 1909 and RCW 9.01.100; repealing section 5, chapter 249, Laws of 1909 and RCW 9.01.111; repealing section 4, chapter 249, Laws of 1909 and RCW 9.01.112; repealing section 3, chapter 249, Laws of 1909 and RCW 9.01.113; repealing section 6, chapter 249, Laws of 1909 and RCW 9.01.114; repealing section 2, chapter 76, Laws of 1967 and RCW 9.01.116; repealing section 1, Code of 1881, section 47, chapter 249, Laws of 1909 and RCW 9.01.150; repealing section 46, chapter 249, Laws of 1909 and RCW 9.01.170; repealing section 48, chapter 249, Laws of 1909 and RCW 9.01.180; repealing section 49, chapter 249, Laws of 1909 and RCW 9.01.190; repealing section 376, chapter 249, Laws of 1909 and RCW 9.08.040; repealing section 40, page 82, Laws of 1854, section 44, page 189, Laws of 1873, section 823, Code of 1881, section 40, page 77, Laws of 1886, section 1, chapter 87, Laws of 1895, section 320, chapter 249, Laws of 1909, section 1, chapter 11, Laws of 1863 and RCW 9.09.010; repealing section 40, page 82, Laws of 1854, section 44, page 189, Laws of 1873, section 823, Code of 1881, section 40, page 77, Laws of 1886, section 1, chapter 87, Laws of 1895, section 321, chapter 249, Laws of 1909, section 1, chapter 265, Laws of 1927, section 2, chapter 11, Laws of 1963, section 1, chapter 17, Laws of 1965 ex. sess. and RCW 9.09.020; repealing section 322, chapter 249, Laws of 1909 and RCW 9.09.030; repealing section 323, chapter 249, Laws of 1909 and RCW 9.09.040; repealing section 324, chapter 249, Laws of 1909 and RCW 9.09.050; repealing section 6, chapter 87, Laws of 1895, section 325, chapter 249, Laws of 1909 and RCW 9.09.060; repealing section 24, page 79, Laws of 1854, section 28, page 80, Laws of 1854, sections 24 through 30, page 202, Laws of 1869, sections 29 through 34, page 185, Laws of 1873, sections 801 through 809, Code of 1881, section 161, chapter 249, Laws of 1909 and RCW 9.11.010; repealing section 24, page 79, Laws of 1854, section 28, page 80, Laws of 1854, sections 24 through 30, page 202, Laws of 1869, sections 29 through 34, page 185, Laws of 1873, sections 801 through 809, Code of 1881, section 162, chapter 249, Laws of 1909 and RCW 9.11.020; repealing section 24, page 79, Laws of 1854, section 28, page 80, Laws of 1854, sections 24 through 30, page 202, Laws of 1869, sections 29 through 34, page 185, Laws of 1873, sections 801 through 809, Code of 1881, section 163, chapter 249, Laws of 1909 and RCW 9.11.030; repealing section 164, chapter 249, Laws of 1909 and RCW 9.11.040; repealing section 165, chapter 249, Laws of 1909 and RCW 9.11.050; repealing section 122, page 226, Laws of 1869, section 128, page 210, Laws of 1873, section 945, Code of 1881, sections 6 and 7, chapter 149, Laws of 1895, section 201, chapter 249, Laws of 1909 and RCW 9.15.010; repealing section 202, chapter 249, Laws of 1909 and RCW 9.15.020; repealing sections 74 and 75, page 89, Laws of 1854, section 75, page 119, Laws of 1859, section 80, page 216, Laws of 1869, section 84, page 200, Laws of 1873, section 880, Code of 1881, section 68, chapter 249, Laws of 1909 and RCW 9.18.010; repealing section 74, page 89, Laws of 1854, section 74, page 119, Laws of 1859, section 79, page 216, Laws of 1869, section 83, page 200, Laws of 1873, section 879, Code of

1881, section 69, chapter 249, Laws of 1909 and RCW 9.18.020; repealing section 73, page 89, Laws of 1854-55, section 73, page 118, Laws of 1859-60, section 78, page 216, Laws of 1869, section 82, page 199, Laws of 1873, section 878, Code of 1881, section 70, chapter 249, Laws of 1909 and RCW 9.18.030; repealing section 71, page 89, Laws of 1854, section 71, page 118, Laws of 1859, section 77, page 216, Laws of 1869, section 81, page 199, Laws of 1873, section 877, Code of 1881, section 71, chapter 249, Laws of 1909 and RCW 9.18.040; repealing section 72, chapter 249, Laws of 1909 and RCW 9.18.050; repealing section 84, page 200, Laws of 1873, section 880, Code of 1881, section 73, chapter 249, Laws of 1909 and RCW 9.18.060; repealing section 74, chapter 249, Laws of 1909 and RCW 9.18.070; repealing section 79, page 90, Laws of 1854, section 885, Code of 1881, section 79, chapter 249, Laws of 1909 and RCW 9.18.090; repealing section 75, page 89, Laws of 1854, section 880, Code of 1881, section 80, chapter 249, Laws of 1909 and RCW 9.18.100; repealing section 81, chapter 249, Laws of 1909 and RCW 9.18.110; repealing section 44, page 83, Laws of 1854, section 48, page 190, Laws of 1873, section 827, Code of 1881, section 1, page 14, Laws of 1888, section 326, chapter 249, Laws of 1909 and RCW 9.19.010; repealing section 49, page 190, Laws of 1873, section 828, Code of 1881, section 328, chapter 249, Laws of 1909 and RCW 9.19.030; repealing section 329, chapter 249, Laws of 1909 and RCW 9.19.040; repealing section 1, chapter 90, Laws of 1893, section 330, chapter 249, Laws of 1909 and RCW 9.19.050; repealing section 130, chapter 249, Laws of 1909 and RCW 9.22.010; repealing section 131, chapter 249, Laws of 1909 and RCW 9.22.020; repealing section 132, chapter 249, Laws of 1909 and RCW 9.22.030; repealing section 1, chapter 211, Laws of 1961 and RCW 9.22.040; repealing section 1, page 15, Laws of 1862, section 70, page 196, Laws of 1873, sections 856 and 857, Code of 1881, section 339, chapter 249, Laws of 1909 and RCW 9.26.010; repealing section 340, chapter 249, Laws of 1909 and RCW 9.26.020; repealing section 7, page 15, Laws of 1862, section 70, page 196, Laws of 1873, section 857, Code of 1881 and RCW 9.26.030; repealing section 1, chapter 36, Laws of 1970 ex. sess. and RCW 9.26A.010; repealing section 2, chapter 36, Laws of 1970 ex. sess. and RCW 9.26A.020; repealing section 3, chapter 36, Laws of 1970 ex. sess. and RCW 9.26A.030; repealing section 4, chapter 36, Laws of 1970 ex. sess. and RCW 9.26A.040; repealing section 5, chapter 36, Laws of 1970 ex. sess. and RCW 9.26A.050; repealing section 6, chapter 36, Laws of 1970 ex. sess. and RCW 9.26A.060; repealing section 7, chapter 36, Laws of 1970 ex. sess. and RCW 9.26A.070; repealing section 8, chapter 36, Laws of 1970 ex. sess. and RCW 9.26A.080; repealing section 295, chapter 249, Laws of 1909 and RCW 9.27.010; repealing section 282, chapter 249, Laws of 1909 and RCW 9.27.020; repealing section 309, chapter 249, Laws of 1909 and RCW 9.27.030; repealing section 64, page 87, Laws of 1854, sections 73 and 74, page 197, Laws of 1873, sections 859 through 861, Code of 1881, section 296, chapter 249, Laws of 1909 and RCW 9.27.040; repealing section 65, page 87, Laws of 1854, sections 73 and 74, page 197, Laws of 1873, sections 859 through 861, Code of 1881, section 297, chapter 249, Laws of 1909 and RCW 9.27.050; repealing section 65, page 87, Laws of 1854, sections 73 and 74, page 197, Laws of 1873, sections 859 through 861, Code of 1881, section 298, chapter 249, Laws of 1909 and RCW 9.27.060; repealing sections 65 and 66, page 87, Laws of 1854, sections 73 and 74, page 197, Laws of 1873, sections 859 through 861, Code of 1881, section 299, chapter 249, Laws of 1909 and RCW 9.27.070; repealing section 863, Code of 1881, section 300, chapter 249, Laws of 1909 and RCW 9.27.080; repealing section 301, chapter 249, Laws of 1909 and RCW 9.27.090; repealing section 302, chapter 249, Laws of 1909 and RCW 9.27.100; repealing section 22, page 79, Laws of 1854, section 22, page 202, Laws of 1869, section 799, Code of 1881, section 167, chapter 249, Laws of 1909 and RCW 9.30.010; repealing section 23, page 79, Laws of 1854, section 23, page 202, Laws of 1869, section 25, page 185, Laws of 1873, section 800, Code of 1881, section 168, chapter 249, Laws of 1909 and RCW 9.30.020; repealing section 169, chapter 249, Laws of 1909 and RCW 9.30.030; repealing section 170, chapter 249, Laws of 1909 and RCW 9.30.040; repealing section 171, chapter 249, Laws of 1909 and RCW 9.30.050; repealing section 1, chapter 320, Laws of 1955 and RCW 9.31.005; repealing section 90, chapter 249, Laws of 1909, section 2, chapter 320, Laws of 1955 and RCW 9.31.010; repealing section 76,

page 89, Laws of 1854, section 85, page 200, Laws of 1873, section 881, Code of 1881, sections 1 and 2, chapter 46, Laws of 1905, section 91, chapter 249, Laws of 1909 and RCW 9.31.020; repealing section 77, page 90, Laws of 1854, section 86, page 201, Laws of 1873, section 882, Code of 1881, section 92, chapter 249, Laws of 1909 and RCW 9.31.030; repealing section 77, page 90, Laws of 1854, sections 86 and 87, page 201, Laws of 1873, section 882, Code of 1881, section 93, chapter 249, Laws of 1909 and RCW 9.31.040; repealing section 94, chapter 249, Laws of 1909 and RCW 9.31.050; repealing section 87, chapter 249, Laws of 1909 and RCW 9.31.060; repealing section 88, chapter 249, Laws of 1909 and RCW 9.31.070; repealing section 125, chapter 249, Laws of 1909 and RCW 9.31.080; repealing section 1, chapter 182, Laws of 1951 and RCW 9.31.100; repealing section 822, Code of 1881, section 358, chapter 249, Laws of 1909 and RCW 9.33.010; repealing section 87, page 91, Laws of 1854, section 96, page 203, Laws of 1873, section 894, Code of 1881, section 359, chapter 249, Laws of 1909 and RCW 9.33.020; repealing section 87, page 91, Laws of 1854, section 96, page 203, Laws of 1873, section 894, Code of 1881, section 360, chapter 249, Laws of 1909 and RCW 9.33.040; repealing section 822, Code of 1881, section 361, chapter 249, Laws of 1909 and RCW 9.33.050; repealing section 362, chapter 249, Laws of 1909 and RCW 9.33.060; repealing section 108, page 95, Laws of 1854, section 119, page 208, Laws of 1873, section 923, Code of 1881 and RCW 9.33.070; repealing section 363, chapter 249, Laws of 1909 and RCW 9.34.010; repealing section 364, chapter 249, Laws of 1909 and RCW 9.34.020; repealing section 365, chapter 249, Laws of 1909 and RCW 9.37.010; repealing section 367, chapter 249, Laws of 1909 and RCW 9.37.020; repealing section 421, chapter 249, Laws of 1909 and RCW 9.37.030; repealing section 422, chapter 249, Laws of 1909 and RCW 9.37.040; repealing section 1, chapter 46, Laws of 1911 and RCW 9.37.050; repealing section 1, chapter 78, Laws of 1937 and RCW 9.37.060; (102) repealing section 370, chapter 249, Laws of 1909 and RCW 9.38.030; repealing section 409, chapter 249, Laws of 1909 and RCW 9.38.050; repealing section 267, chapter 249, Laws of 1909 and RCW 9.40.010; repealing section 268, chapter 249, Laws of 1909 and RCW 9.40.020; repealing section 269, chapter 249, Laws of 1909 and RCW 9.40.030; repealing section 847, Code of 1881, section 9, page 127, Laws of 1890 and RCW 9.40.050; repealing section 2, page 300, Laws of 1877, section 1225, Code of 1881, section 13, chapter 69, Laws of 1891 and RCW 9.40.060; repealing section 1, page 300, Laws of 1877, section 1224, Code of 1881, section 14, chapter 69, Laws of 1891 and RCW 9.40.070; repealing section 4, page 300, Laws of 1877, section 1227, Code of 1881, section 15, chapter 69, Laws of 1891, and RCW 9.40.080; repealing section 338, chapter 249, Laws of 1909 and RCW 9.44.010; repealing section 57, page 85, Laws of 1854, section 63, page 194, Laws of 1873, section 854, Code of 1881, section 331, chapter 249, Laws of 1909 and RCW 9.44.020; repealing section 332, chapter 249, Laws of 1909 and RCW 9.44.030; repealing section 57, page 85, Laws of 1854, section 63, page 194, Laws of 1873, section 854, Code of 1881, section 333, chapter 249, Laws of 1909 and RCW 9.44.040; repealing section 334, chapter 249, Laws of 1909 and RCW 9.44.050; repealing section 57, page 85, Laws of 1854, section 63, page 194, Laws of 1873, section 854, Code of 1881, section 335, chapter 249, Laws of 1909 and RCW 9.44.060; repealing section 336, chapter 249, Laws of 1909 and RCW 9.44.070; repealing section 122, chapter 249, Laws of 1909 and RCW 9.45.010; repealing section 219, chapter 249, Laws of 1909 and RCW 9.45.030; repealing section 375, chapter 249, Laws of 1909 and RCW 9.45.050; repealing section 1, page 99, Laws of 1890 and RCW 9.45.200; repealing section 138, chapter 249, Laws of 1909, section 1, chapter 49, Laws of 1970 ex. sess. and RCW 9.48.010; repealing section 139, chapter 249, Laws of 1909 and RCW 9.48.020; repealing section 12, page 78, Laws of 1854, section 12, page 200, Laws of 1869, section 12, page 182, Laws of 1873, section 786, Code of 1881, section 1, chapter 69, Laws of 1891, section 140, chapter 249, Laws of 1909 and RCW 9.48.030; repealing section 13, page 78, Laws of 1854, sections 13 and 14, page 200, Laws of 1869, section 13, page 182, Laws of 1873, section 790, Code of 1881, section 141, chapter 249, Laws of 1909 and RCW 9.48.040; repealing section 14, page 78, Laws of 1854, section 14, page 201, Laws of 1869, section 16, page 183, Laws of 1873, section 791, Code of 1881, section 142, chapter 249, Laws of 1909 and RCW 9.48.050; repealing section 16,

page 78, Laws of 1854, section 16, page 201, Laws of 1869, section 18, page 183, Laws of 1873, section 793, Code of 1881, section 2, chapter 69, Laws of 1891, section 143, chapter 249, Laws of 1909, section 2, chapter 49, Laws of 1970 ex. sess. and RCW 9.48.060; repealing sections 37 and 38, page 81, Laws of 1854, sections 37 and 38, page 209, Laws of 1863, sections 41 and 42, page 188, Laws of 1873, section 820, Code of 1881, section 144, chapter 249, Laws of 1909 and RCW 9.48.070; repealing sections 37 and 38, page 81, Laws of 1854, sections 37 and 38, page 209, Laws of 1863, sections 41 and 42, page 188, Laws of 1873, section 821, Code of 1881, section 145, chapter 249, Laws of 1909 and RCW 9.48.080; repealing section 146, chapter 249, Laws of 1909 and RCW 9.48.090; repealing section 147, chapter 249, Laws of 1909 and RCW 9.48.100; repealing section 18, page 78, Laws of 1854, section 18, page 201, Laws of 1869, section 20, page 184, Laws of 1873, section 795, Code of 1881, section 148, chapter 249, Laws of 1909 and RCW 9.48.110; repealing section 19, page 78, Laws of 1854, section 19, page 201, Laws of 1869, section 21, page 184, Laws of 1873, section 796, Code of 1881, section 149, chapter 249, Laws of 1909 and RCW 9.48.120; (134) repealing section 124, page 97, Laws of 1854, section 130, page 227, Laws of 1869, section 136, page 211, Laws of 1873, section 995, Code of 1881, section 150, chapter 249, Laws of 1909 and RCW 9.48.130; repealing section 151, chapter 249, Laws of 1909 and RCW 9.48.140; repealing section 152, chapter 249, Laws of 1909 and RCW 9.48.150; repealing section 153, chapter 249, Laws of 1909 and RCW 9.48.160; repealing section 154, chapter 249, Laws of 1909 and RCW 9.48.170; repealing section 1, chapter 6, Laws of 1933 ex. sess. and RCW 9.52.010; repealing section 3, chapter 6, Laws of 1933 ex. sess. and RCW 9.52.020; repealing section 159, chapter 249, Laws of 1909 and RCW 9.52.030; repealing section 36, page 84, Laws of 1854, section 38, page 205, Laws of 1869, section 40, page 187, Laws of 1873, section 819, Code of 1881, section 160, chapter 249, Laws of 1909 and RCW 9.52.040; repealing section 45, page 83, Laws of 1854, section 50, page 190, Laws of 1873, section 830, Code of 1881, section 349, chapter 249, Laws of 1909, section 3, chapter 165, Laws of 1915 and RCW 9.54.010; repealing section 1, chapter 155, Laws of 1915, repealing section 1, chapter 64, Laws of 1919 and RCW 9.54.020; repealing section 1, chapter 60, Laws of 1917, section 1, chapter 124, Laws of 1974 ex. sess. and RCW 9.54.030; repealing section 2, chapter 60, Laws of 1917 and RCW 9.54.040; repealing section 1, chapter 156, Laws of 1915 and RCW 9.54.050; repealing section 350, chapter 249, Laws of 1909 and RCW 9.54.060; repealing section 351, chapter 249, Laws of 1909 and RCW 9.54.070; repealing section 352, chapter 249, Laws of 1909 and RCW 9.54.080; repealing section 353, chapter 249, Laws of 1909, section 1, chapter 97, Laws of 1955 and RCW 9.54.090; repealing section 354, chapter 249, Laws of 1909 and RCW 9.54.100; repealing section 355, chapter 249, Laws of 1909 and RCW 9.54.110; repealing section 1, chapter 63, Laws of 1961 and RCW 9.54.115; repealing section 356, chapter 249, Laws of 1909 and RCW 9.54.120; repealing section 1, chapter 32, Laws of 1965 and RCW 9.54.140; repealing section 85, chapter 249, Laws of 1909 and RCW 9.55.010; repealing section 1, chapter 111, Laws of 1899, section 1, chapter 112, Laws of 1903, section 404, chapter 249, Laws of 1909, section 2, chapter 152, Laws of 1971 ex. sess. and RCW 9.61.010; repealing section 1, chapter 64, Laws of 1893, section 1, chapter 41, Laws of 1897, section 405, chapter 249, Laws of 1909, section 3, chapter 152, Laws of 1971 ex. sess. and RCW 9.61.020; repealing section 16, chapter 69, Laws of 1891, section 406, chapter 249, Laws of 1909, section 4, chapter 152, Laws of 1971 ex. sess. and RCW 9.61.030; repealing section 1, page 30, Laws of 1862, section 1, page 300, Laws of 1877, sections 842, 843, 847, 848, 1224, Code of 1881, section 5, page 126, Laws of 1890, section 11, page 122, Laws of 1890, section 10, page 127, Laws of 1890, sections 4, 8, 11, 12, 13, 14, 16, 17, chapter 69, Laws of 1891, section 1, chapter 83, Laws of 1897, section 407, chapter 249, Laws of 1909, section 5, chapter 152, Laws of 1971 ex. sess., section 1, chapter 28, Laws of 1975 and RCW 9.61.040; repealing section 408, chapter 249, Laws of 1909, section 6, chapter 152, Laws of 1971 ex. sess. and RCW 9.61.050; repealing section 414, chapter 249, Laws of 1909 and RCW 9.61.060; repealing section 415, chapter 249, Laws of 1909, section 1, chapter 152, Laws of 1971 ex. sess. and RCW 9.61.070; repealing section 2, page 71, Laws of 1883, section 17, chapter 69, Laws of 1891 and RCW 9.61.080; repealing section 1,

chapter 114, Laws of 1899, section 7, chapter 152, Laws of 1971 ex. sess. and RCW 9.61.090; repealing section 2, chapter 114, Laws of 1899 and RCW 9.61.100; repealing section 3, chapter 114, Laws of 1899 and RCW 9.61.110; repealing section 1, chapter 133, Laws of 1963 and RCW 9.61.220; repealing section 26, page 79, Laws of 1854, section 26, page 202, Laws of 1869, section 28, page 185, Laws of 1873, section 103, Code of 1881, section 155, chapter 249, Laws of 1909 and RCW 9.65.010; repealing section 156, chapter 249, Laws of 1909 and RCW 9.65.020; repealing section 157, chapter 249, Laws of 1909 and RCW 9.65.030; repealing section 303, chapter 249, Laws of 1909 and RCW 9.69.010; repealing section 78, page 90, Laws of 1854, section 87, page 201, Laws of 1873, section 883, Code of 1881, section 112, chapter 249, Laws of 1909 and RCW 9.69.020; repealing section 79, page 90, Laws of 1854, section 88, page 201, Laws of 1873, section 886, Code of 1881; section 113, chapter 249, Laws of 1909 and RCW 9.69.030; repealing section 79, page 90, Laws of 1854, section 88, page 201, Laws of 1873, section 885, Code of 1881, section 114, chapter 249, Laws of 1909 and RCW 9.69.040; repealing section 116, chapter 249, Laws of 1909 and RCW 9.69.050; repealing section 420, chapter 249, Laws of 1909 and RCW 9.69.060; repealing section 110, chapter 249, Laws of 1909 and RCW 9.69.070; repealing section 1, chapter 17, Laws of 1901, section 111, chapter 249, Laws of 1909, section 1, chapter 56, Laws of 1969 ex. sess. and RCW 9.69.080; repealing section 115, chapter 249, Laws of 1909 and RCW 9.69.090; repealing section 69, page 88, Laws of 1854, section 69, page 118, Laws of 1859, section 79, page 199, Laws of 1873, section 867, Code of 1881, section 99, chapter 249, Laws of 1909, section 1, chapter 46, Laws of 1957 and RCW 9.72.010; repealing section 870, Code of 1881, section 100, chapter 249, Laws of 1909 and RCW 9.72.020; repealing section 101, chapter 249, Laws of 1909 and RCW 9.72.030; repealing section 868, Code of 1881, section 102, chapter 249, Laws of 1909 and RCW 9.72.040; repealing section 869, Code of 1881, section 103, chapter 249, Laws of 1909 and RCW 9.72.050; repealing section 872, Code of 1881, section 104, chapter 249, Laws of 1909, section 2, chapter 46, Laws of 1957 and RCW 9.72.060; repealing section 873, Code of 1881, section 105, chapter 249, Laws of 1909 and RCW 9.72.070; repealing section 106, chapter 249, Laws of 1909 and RCW 9.72.080; repealing section 81, page 199, Laws of 1873, section 876, Code of 1881, section 108, chapter 249, Laws of 1909 and RCW 9.72.100; repealing section 71, page 89, Laws of 1854, section 77, page 216, Laws of 1869, section 81, page 199, Laws of 1873, section 877, Code of 1881, section 109, chapter 249, Laws of 1909 and RCW 9.72.110; repealing sections 3 and 4, page 81, Laws of 1854, section 36, page 204, Laws of 1869, section 38, page 187, Laws of 1873, section 829, Code of 1881, section 166, chapter 249, Laws of 1909 and RCW 9.75.010; repealing section 399, chapter 249, Laws of 1909 and RCW 9.75.020; repealing section 6, page 126, Laws of 1890 and RCW 9.75.030; repealing section 244, chapter 249, Laws of 1909 and RCW 9.76.020; repealing section 245, chapter 249, Laws of 1909 and RCW 9.76.030; repealing section 246, chapter 249, Laws of 1909 and RCW 9.76.040; repealing section 865, Code of 1881, section 247, chapter 249, Laws of 1909 and RCW 9.76.050; repealing section 1, chapter 229, Laws of 1959, section 1, chapter 76, Laws of 1967 and RCW 9.78.010; repealing section 2, chapter 229, Laws of 1959 and RCW 9.78.020; repealing section 4, chapter 229, Laws of 1959 and RCW 9.78.040; repealing section 813, Code of 1881, section 186, chapter 249, Laws of 1909, section 125, chapter 154, Laws of 1973 1st ex. sess. and RCW 9.79.040; repealing section 815, Code of 1881, section 187, chapter 249, Laws of 1909, section 126, chapter 154, Laws of 1973 1st ex. sess. and RCW 9.79.050; repealing 188, chapter 249, Laws of 1909, section 1, chapter 186, Laws of 1927, section 127, chapter 154, Laws of 1973 1st ex. sess. and RCW 9.79.060; repealing section 816, Code of 1881, section 1, chapter 33, Laws of 1905, section 189, chapter 249, Laws of 1909, section 128, chapter 154, Laws of 1973 1st ex. sess. and RCW 9.79.070; repealing section 190, chapter 249, Laws of 1909, section 2, chapter 74, Laws of 1937, section 1, chapter 127, Laws of 1955, section 129, chapter 154, Laws of 1973 1st ex. sess. and RCW 9.79.080; repealing section 121, page 225, Laws of 1869, section 127, page 209, Laws of 1873, sections 1 and 2, chapter 149, Laws of 1895, section 203, chapter 249, Laws of 1909, section 1, chapter 111, Laws of 1943 and RCW 9.79.090; repealing section 2, chapter 139, Laws of 1893, section 204, chapter 249, Laws

of 1909, section 3, chapter 74, Laws of 1937 and RCW 9.79.100; repealing section 120, page 225, Laws of 1869, section 126, page 209, Laws of 1873, sections 943, 944, Code of 1881, sections 3, 4, chapter 149, Laws of 1895, section 205, chapter 249, Laws of 1909, section 1, chapter 98, Laws of 1917 and RCW 9.79.110; repealing section 117, page 95, Laws of 1854, section 120, page 225, Laws of 1869, section 126, page 209, Laws of 1873, section 948, Code of 1881, section 206, chapter 249, Laws of 1909 and RCW 9.79.120; repealing section 2, chapter 65, Laws of 1961 and RCW 9.79.130; repealing section 133, chapter 249, Laws of 1909 and RCW 9.80.010; repealing section 134, chapter 249, Laws of 1909 and RCW 9.80.020; repealing section 17, page 78, Laws of 1854, section 17, page 201, Laws of 1869, section 19, page 184, Laws of 1873, section 794, Code of 1881, section 135, chapter 249, Laws of 1909 and RCW 9.80.030; repealing section 136, chapter 249, Laws of 1909 and RCW 9.80.040; repealing section 137, chapter 249, Laws of 1909 and RCW 9.80.050; repealing section 412, chapter 249, Laws of 1909 and RCW 9.83.010; repealing section 1, chapter 128, Laws of 1913 and RCW 9.83.020; repealing section 2, chapter 128, Laws of 1913 and RCW 9.83.030; repealing section 3, chapter 128, Laws of 1913 and RCW 9.83.040; repealing section 4, chapter 128, Laws of 1913 and RCW 9.83.050; repealing section 1, page 124, Laws of 1890, section 413, chapter 249, Laws of 1909, section 1, chapter 139, Laws of 1913 and RCW 9.83.060; repealing section 64, page 212, Laws of 1869, section 67, page 195, Laws of 1873 and RCW 9.83.070; repealing section 1, chapter 7, Laws of 1869, section 67, page 195, Laws of 1873 and RCW 9.83.070; repealing section 1, chapter 7, Laws of 1969 and RCW 9.83.080; repealing section 1, page 85, Laws of 1875, section 1271, Code of 1881, section 436, chapter 249, Laws of 1909, section 1, chapter 11, Laws of 1965, section 29, chapter 122, Laws of 1972 ex. sess. and RCW 9.87.010; repealing section 1, chapter 62, Laws of 1915 and RCW 9.87.020; repealing section 3, page 90, Laws of 1875, section 1273, Code of 1881 and RCW 9.87.030; repealing section 932, Code of 1881 and RCW 9.91.040; repealing section 382, chapter 249, Laws of 1909 and RCW 9.91.070; repealing section 383, chapter 249, Laws of 1909 and RCW 9.91.080; repealing section 4, chapter 241, Laws of 1955 and RCW 9.94.060; repealing section 3, chapter 28, Laws of 1891 and RCW 10.01.010; and repealing section 10, page 77, Laws of 1854, section 779, Code 1881, section 2, chapter 28, Laws of 1891, section 1, chapter 12, Laws of 1937 and RCW 10.01.020;”, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

Senator Francis moved the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 2092.

POINT OF INQUIRY

Senator Rasmussen: “Will Senator Francis yield to a question? Senator Francis, I am looking at page 50, new section, section 9(a). I would ask the members of the Senate to pay particular attention to this section because I have a question about it. It does not seem that we have had it in here. On line 21, ‘Every person who without lawful excuse shall refuse or knowingly fail to make or furnish any statement, report, or information lawfully required of him by a public servant or in any such statement or report shall make a knowingly untrue statement to a public servant or shall knowingly hinder, delay, or obstruct any public servant in the discharge of his official powers or duties shall be guilty of a misdemeanor.’ That says that you are automatically guilty of a misdemeanor. Now if some garbage collector should come up there and ask you a question and you would say, ‘I do not think I have to answer that,’ you are guilty of a misdemeanor.”

Senator Francis: “Senator Rasmussen, the language that is important there is on line 25. It says, ‘information lawfully required of him by a public servant.’ What we are talking about there and what that expressly refers to is information that that public servant has the authority to require the furnishing of, which a garbage collector does not as far as I know have any such authority, so this is only where he can lawfully require that information be furnished.”

Senator Rasmussen: "I would call your attention, Senator Francis, that under the Administrative Procedures Act any of these departments can lawfully make the rules and regulations and a lot of people do not feel that they are within the law, but there is still the rule and regulation and you would be guilty of a misdemeanor by just asserting your constitutional rights."

Senator Francis: "Senator Rasmussen, I think there may well be something to what you say. My feeling very strongly is that we can tune this up more in January. It is not going to take effect for over a year so we will still have time. I would be glad, and I am quite serious about this, to co-sponsor with you a bill to amend that, to make it more precise in that particular section. What I am interested in basically, and talking to all the law enforcement people throughout the state on this bill, is that we need to pass the bill itself. There will be nothing to amend if the bill itself dies. It is eight-six pages long. It is really something to be proud of and I am sure that it will need tuning up. I think we will always be back here in future legislatures for as long as the state is a state, making changes in it from year to year, while I am just hoping that we can adopt this House amendment and pass the bill."

MOTION

On motion of Senator Lewis (Harry), the House Message on Engrossed Substitute Senate Bill No. 2092, together with the motion by Senator Francis that the Senate concur in the House amendments, was ordered held for further consideration on Wednesday, May 28, 1975.

MESSAGE FROM THE HOUSE

May 19, 1975.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2146 with the following amendments:

On line 4 of the title after "RCW 41.16.145;" and before "amending" insert "amending section 8, chapter 382, Laws of 1955 as last amended by section 73, chapter 154, Laws of 1973 1st ex. sess. and RCW 41.18.100;"

On page 3, line 33, after "chapter 382," and before "Laws of 1973 1st ex. sess." insert "Laws of 1955 as last amended by section 73, chapter 154,"

On page 4, section 4, line 21 after "remarries" strike all the material down to and including "year" on line 26 and insert "[. All pensions payable under the provisions of this section shall be subject to an annual cost of living increase which shall be equal to two percent of the pension granted the widow or widower at the time of the death of the fireman. This increase shall be effective and be paid starting with the January payment of each succeeding year]", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Keefe, the Senate concurred in the House amendments to Engrossed Senate Bill No. 2146.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2146, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 4; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Fleming, Francis, Goltz, Gould, Grant, Guess, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, Matson, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Woody—43.

Absent or not voting: Senators Donohue, Henry, Mardesich, McDermott—4.

Excused: Senators Murray, Wanamaker—2.

ENGROSSED SENATE BILL NO. 2146, 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 26, 1975.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2341 with the following amendment:

On page 2, line 3, add a new paragraph to read as follows:

"The fees collected pursuant to this section shall be approximately the same as the reasonable cost to the commission of supervising and regulating such companies, or classes of companies, respectively: PROVIDED, That the utilities and transportation commission and the department of labor and industries shall jointly enter into an interagency agreement or agreements pursuant to chapter 39.34 RCW to divide the responsibility for regulation of railroad safety and health matters with the department assuming jurisdiction of employee occupational safety and health pursuant to chapter 49.17 RCW and the commission retaining responsibility for general rail safety affecting the public in accordance with Title 81 RCW, and the fees collected from railroad companies pursuant to this section may be divided proportionately in accordance with the scope of the tasks divided under this proviso.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

Senator Bottiger moved that the Senate concur in the House amendment to Engrossed Senate Bill No. 2341.

POINT OF ORDER

Senator Lewis (Harry): "Mr. President, I raise the question of scope and object on the House amendment."

There being no objection, the House Message on Engrossed Senate Bill No. 2341, together with the Point of Order by Senator Lewis (Harry), was held pending a Ruling by the President.

MESSAGE FROM THE HOUSE

May 26, 1975.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2386 with the following amendments:

In line 1 of the title, after "snowmobiles;" strike the remainder of the title and insert the following: "amending section 3, chapter 29, Laws of 1971 ex. sess. and RCW 46.10.030; amending section 8, chapter 29, Laws of 1971 ex. sess. as last amended by section 3, chapter 128, Laws of 1973 1st ex. sess. and RCW 46.10.080; amending section 9, chapter 29, Laws of 1971 ex. sess. and RCW 46.10.090; amending section 15, chapter 29, Laws of 1971 ex. sess. as amended by section 4, chapter 128, Laws of 1973 1st ex. sess. and RCW 46.10.150; amending section 19, chapter 29, Laws of 1971 ex. sess. and RCW 46.10.190; adding new sections to chapter 46.10 RCW; prescribing penalties; and making an appropriation."

Strike all material after the enacting clause and insert the following:

"Section 1. Section 3, chapter 29, Laws of 1971 ex. sess. and RCW 46.10.030 are each amended to read as follows:

No registration shall be required under the provisions of this chapter for the following described snowmobiles:

(1) Snowmobiles owned and operated by the United States, another state, or a political subdivision thereof.

(2) Snowmobiles owned and operated by this state, or by any municipality or political subdivision thereof.

(3) A snowmobile owned by a resident of another state if that snowmobile is registered in accordance with the laws of the state in which its owner resides, but only to the extent that a similar exemption or privilege is granted under the laws of that state for snowmobiles registered in this state: PROVIDED, That any snowmobile which is validly registered in another state and which is physically located in this state for a period of more than [sixty] *fifteen* consecutive days shall be subject to registration under the provisions of this chapter.

[(4) Snowmobiles operated exclusively on lands owned and under the control of the owner thereof.]

Sec. 2. Section 8, chapter 29, Laws of 1971 ex. sess. as last amended by section 3, chapter 128, Laws of 1973 1st ex. sess. and RCW 46.10.080 are each amended to read as follows:

The moneys collected by the department as snowmobile registration fees shall be distributed in the following manner:

(1) Ten percent each year for the first two years after August 9, 1971, and five percent each year for each year thereafter shall be retained by the department to cover expenses incurred in the administration of this chapter.

(2) Twenty-five percent each year shall be distributed to the treasurers of those counties of this state having significant snowmobile use in such sums or upon such a formula as shall be determined by the director after consulting with and obtaining the advice of the Washington state association of counties, and shall be deposited in the county [general] *parks and recreation* fund and expended [to defray the cost of administering this chapter] *for snowmobile purposes*.

(3) For the first two years after August 9, 1971, fifteen percent each year shall be remitted to the state treasurer for deposit into the general fund and shall be credited to the commission and shall be expended for snow removal operations at other than developed recreational facilities. Thereafter twenty percent each year shall be so remitted for such purposes: PROVIDED, That the unused portion of the moneys allotted to the commission for snow removal operations at other than developed recreational facilities, as provided for in this section and in RCW 46.10.150, from the registration moneys and the gasoline fuel tax, as of March 1 of the second year of the biennium shall revert to the *snowmobile* development and operation fund of the commission, *which fund is hereby created*.

(4) Fifty percent each year shall be remitted to the state treasurer to be deposited in the general fund, and *forty percent of such fifty percent shall remain in the general fund and shall be subject to legislative appropriation until the cumulative totals of such amounts subject to legislative appropriation deposited under this section and under RCW 46.10.150 as now or hereafter amended shall equal forty thousand dollars, or shall equal so much of the appropriation under section 7 of this 1975 amendatory act as is actually used if the entire appropriation of forty thousand dollars is not used. The remainder of such fifty percent* shall be credited in equal amounts to the commission, the department of natural resources, and the department of game and shall be expended on the development or operation of snowmobile facilities, but not on the acquisition [or operation] thereof. The commission, the department of natural resources and the department of game shall, not later than [March 1st] *July 15* of each year, prepare and submit to the Washington state parks and recreation commission an annual report which shall indicate the purposes for which such amounts were expended.

Sec. 3. Section 15, chapter 29, Laws of 1971 ex. sess. as amended by section 4, chapter 128, Laws of 1973 1st ex. sess. and RCW 46.10.150 are each amended to read as follows:

From time to time, but at least once each biennium, the director shall request the state treasurer to refund from the motor vehicle fund amounts which have been determined to be a tax on snowmobile fuel, and the treasurer shall refund such amounts and place them in the general fund [;]; twenty-five percent of such amounts shall be credited to the commission and shall be expended by it for snow removal operations at other

than developed recreational facilities; seventy-five percent of such amounts shall be credited [,] *as follows: Forty percent of such seventy-five percent to the general fund to be subject to legislative appropriation until the cumulative totals of such amounts subject to legislative appropriation under this section and under RCW 46.10.080(4) as now or hereafter amended shall equal forty thousand dollars, or shall equal so much of the appropriation under section 7 of this 1975 amendatory act as is actually used if the entire appropriation of forty thousand dollars is not used. The remainder of such seventy-five percent shall be credited in equal amounts, to the commission, department of natural resources, and the department of game, and shall be expended for the development and/or operation, but not acquisition, of snowmobile facilities.*

NEW SECTION. Sec. 4. There is added to chapter 46.10 RCW a new section to read as follows:

Each snowmobile dealer registered pursuant to the provisions of RCW 46.10.050 shall register the snowmobile or, in the event the snowmobile is currently registered, transfer the registration to the new owner prior to delivering the snowmobile to that new owner subsequent to the sale thereof by the dealer. Applications for registration and transfer of registration of snowmobiles shall be made to agents of the department authorized as such in accordance with RCW 46.01.140 and 46.01.150 as now or hereafter amended.

Sec. 5. Section 9, chapter 29, Laws of 1971 ex. sess. and RCW 46.10.090 are each amended to read as follows:

It shall be unlawful for any person to operate any snowmobile:

- (1) At a rate of speed greater than reasonable and prudent under the existing conditions.
- (2) While under the influence of intoxicating liquor or narcotics or habit forming drugs.
- (3) In a manner so as to endanger the person or property of another.
- (4) Without a lighted headlight and taillight between the hours of dusk and dawn, or when otherwise required for the safety of others.
- (5) Without an adequate braking device which may be operated either by hand or foot.
- (6) Without an adequate and operating muffling device which shall effectively blend the exhaust and motor noise in such a manner so as to preclude excessive or unusual noise, and, on snowmobiles manufactured after January 4, 1973, which shall effectively maintain such noise at a level of eighty-two decibels or below on the "A" scale at one hundred feet under testing procedures as established by the Washington state patrol; except snowmobiles used in organized racing events in an area designated for that purpose may use a bypass or cutout device.
- (7) Upon the paved portion or upon the shoulder or inside bank or slope of any public roadway or highway, or upon the median of any divided highway, except as provided in RCW 46.10.100 and 46.10.110.
- (8) In any area or in such a manner so as to expose the underlying soil or vegetation, or to injure, damage, or destroy trees or growing crops.
- (9) *Without a current registration decal affixed thereon, if not exempted under RCW 46.10.030 as now or hereafter amended.*

Sec. 6. Section 19, chapter 29, Laws of 1971 ex. sess. and RCW 46.10.190 are each amended to read as follows:

(1) Except as provided in RCW 46.10.130, any person violating the provisions of this chapter shall be guilty of a misdemeanor: *PROVIDED, That the penalty for failing to have a registration decal under RCW 46.10.090 as now or hereafter amended shall, upon conviction, be a fine of twenty-five dollars.*

(2) In addition to the penalties provided in subsection (1) of this section, the operator and/or the owner of any snowmobile used with the permission of the owner shall be liable for three times the amount of any damage to trees, shrubs, growing crops, or other property injured as the result of travel by such snowmobile over the property involved.

NEW SECTION, Sec. 7. There is added to chapter 46.10 RCW a new section to read as follows:

In order to establish a pilot program of cooperation between snowmobile users, county governments, and the state parks and recreation commission, there is hereby appropriated to the Washington state parks and recreation commission, forty thousand dollars or so much thereof as may be needed from the general fund for the purchase, operation, and maintenance of a snow groomer for use in maintaining and improving snowmobile trails: PROVIDED, That such forty thousand dollars or so much thereof as is actually used shall be repaid to the general fund by June 30, 1977, from moneys available pursuant to RCW 46.10.080(4) and 46.10.150 as now or hereafter amended. The state parks and recreation commission shall be responsible for the pilot program and shall report the results and expenses to the standing parks and recreation committees prior to the 1977 legislative session.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Guess, the Senate concurred in the House amendments to Engrossed Senate Bill No. 2386.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2386, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 30; nays, 14; absent or not voting, 3; excused, 2.

Voting yea: Senators Bailey, Beck, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Herr, Jolly, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, Newschwander, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Stortini, Washington—30.

Voting nay: Senators Benitz, Jones, Matson, McDermott, Morrison, North, Odegaard, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wilson, Woody—14.

Absent or not voting: Senators Bottiger, Henry, Mardesich—3.

Excused: Senators Murray, Wanamaker—2.

ENGROSSED SENATE BILL NO. 2386, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Knoblauch, Senator Donohue was excused.

MOTION

Senator Beck moved that the House Message on Engrossed Senate Bill No. 2381 be referred to the Committee on Constitution and Elections.

Debate ensued.

POINT OF ORDER

Senator Lewis (R. H. "Bob"): "I would question the scope and object of the House amendment."

MOTION

Senator Grant moved that the House Message on Engrossed Senate Bill No. 2381 be held on the concurrence calendar for Wednesday, May 28, 1975.

PARLIAMENTARY INQUIRY

Senator Lewis (R. H. "Bob"): "It is appropriate for me to raise scope and object now or when it comes back tomorrow?"

REPLY BY THE PRESIDENT

The President: "The point has already been raised, Senator."

The motion by Senator Grant carried. The House Message on Engrossed Senate

Bill No. 2381 was ordered held on the concurrence calendar for Wednesday, May 28, 1975.

MOTION

On motion of Senator Sandison, the Senate commenced consideration of the House Message on Engrossed Substitute Senate Bill No. 2737.

MESSAGE FROM THE HOUSE

May 24, 1975.

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 2737 with the following amendments:

On page 1, line 10 of the title, after “;” strike “and” and insert “amending section 3, chapter 18, Laws of 1959 and RCW 57.12.020;”.

On page 1, line 11 of the title, after “RCW” insert “; adding new sections to chapter 57.06 RCW”.

On page 8, line 31 add new sections to read as follows:

“Sec. 14. Sec. 3, chapter 18, Laws of 1959 and RCW 57.12.020 are each amended to read as follows:

Nominations for the first board of commissioners to be elected at the election for the formation of the water district shall be by petition of at least *twenty-five percent of the qualified electors of the district*, or twenty-five of the qualified electors of the district, *whichever is lesser*, filed in the auditor's office of the county in which the district is located, at least thirty days prior to the election. Thereafter, candidates for the office of water commissioners shall file declarations of candidacy and their election shall be conducted as provided by the general election laws. A vacancy on the board shall be filled by appointment by the remaining commissioners until the next regular election for commissioners: PROVIDED, That if there is a vacancy of the entire board a new board may be appointed by the board of county commissioners.

Any person residing in the district who is a qualified voter under the laws of the state may vote at any district election.

NEW SECTION. Sec. 15. There is added to chapter 57.06 RCW a new section to read as follows:

Each and all of the respective areas of land heretofore attempted to be organized into water districts under the provisions of chapter 114, Laws of 1929, and amendments thereto, are hereby validated and declared to be duly existing water districts, having the respective boundaries set forth in their organization proceedings as shown by the files in the office of the board of county commissioners of the county in question and of such water districts.

NEW SECTION. Sec. 16. There is added to chapter 57.06 RCW a new section to read as follows:

All debts, contracts, and obligations heretofore made or incurred by or in favor of any such water district, and all bonds or other obligations executed by such districts in connection with or in pursuance of such attempted organization, and any and all assessments or levies, and all other things and proceedings done or taken by such districts or by their respective officers, including by persons acting as commissioners nominated by petition of at least twenty-five percent of the qualified electors of the district, and elected and qualified as otherwise provided by law, acting under or in pursuance of such attempted organization, are hereby declared legal and valid and of full force and effect.

NEW SECTION. Sec. 17. There is added to chapter 57.06 RCW a new section to read as follows:

The holding and exercise of the office of commissioner by persons now serving as members of the first board of commissioners under or in pursuance of such attempted organization, nominated by petition of at least twenty-five percent of the qualified electors of the district, and elected and qualified as otherwise provided by law, is hereby declared legal and valid and of full force and effect.

NEW SECTION. Sec. 18. Sections 15 through 17 of this 1975 amendatory act shall apply only to such districts attempted to be organized under chapter 114, Laws of 1929, and amendments thereto, which have maintained their organization as such since the date of such attempted organization, establishment, or creation, or which have been merged into another municipal corporation."

Renumber the remaining sections consecutively., and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

Senator Fleming moved the Senate concur in the House amendments to Engrossed Substitute Senate Bill No. 2737.

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Fleming yield to a question? Senator Fleming, did they make any change—as I remember this, they could issue general obligation bonds for sewers and water districts over the whole county?"

Senator Fleming: "They did not make any change in this law as it relates to that. This one amendment is merely dealing with the initial formation of water and sewer districts."

Senator Rasmussen: "Thank you."

POINT OF INQUIRY

Senator Lewis (Harry): "Will Senator Fleming yield? Senator Fleming, I do not fully understand the House amendments. Can you tell me if the House amendments have the effect of grandfathering in a number of old and actually nonexistent water districts?"

Senator Fleming: "Senator Lewis, my understanding is that it has the effect of grandfathering in or validating those water districts that were formed with twenty-five people voting for the commissioners rather than twenty-five percent."

POINT OF INQUIRY

Senator Guess: "Will Senator Fleming yield? Senator Fleming, section 16 says that 'all debts, contracts, and obligations made heretofore or incurred by or in favor of any such water district and all bonds or other obligations executed by such districts in connection with or in pursuance of such attempted organization.' Now suppose that a group of people attempted to organize a district in an area, ran up a whole bunch of debts, and were not able to get that district organized, this would now make the new district assume all the liabilities of that abortive attempt to form a district. Is this a proper function?"

Senator Fleming: "I thought that was Mrs. North's amendment over here."

Senator Guess: "It would put a group of people in a bad spot to pick up the unfunded liability, I mean the debts of a group that failed to organize."

Senator Fleming: "Section 16?"

Senator Guess: "Yes, sir."

Senator Fleming: "Mr. President, I am reading this section and I understand what Senator Guess is saying but to be perfectly sure that we are trying to do what in essence the Bond Council has told me that we are doing, I suggest that we further consider this Message from the House tomorrow as previously indicated."

MOTION

On motion of Senator Fleming, the House Message on Engrossed Substitute Senate Bill No. 2737, together with the motion by Senator Fleming that the Senate do concur in the House amendments, was ordered held for further consideration on Wednesday, May 28, 1975.

MESSAGE FROM THE HOUSE

May 23, 1975.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2401 with the following amendments:

On page 1, line 4 of the title, after "adding" strike "a new section" and insert "new sections".

On page 1, line 5 of the title, after "RCW;" insert "declaring an emergency".

On page 2, line 14, after "adjustment." add a new subsection to read as follows:

"(2) For those whose right to compensation is established on or after July 1, 1975, or whose basis for adjustment is established by Section 2(1) of this 1975 amendatory act, the adjustment shall be a percentage equal to the percentage (if any) by which the state-wide monthly wage as computed under the provisions of RCW 51.08.018 differs from the state-wide average monthly wage determined for the preceding fiscal year: PROVIDED, That in determining such percentage the division shall be carried to the fourth decimal place, with the remaining fraction, if any, disregarded. The monthly compensation after adjustment shall be fixed at the next higher dollar. No adjustment of less than one dollar shall be made.

No part of the amount of any increase attributable to the provisions of this section shall be payable from the accident fund or be charged against any class under the industrial insurance law, but such additional amounts shall be paid monthly by the director from the supplemental pension fund."

On page 2, line 15, after "3." insert "There is added to chapter 23, Laws of 1961 and to chapter 51.32 RCW a new section to read as follows:"

On page 2, line 26, after "4." strike the remainder of the section and insert "This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect on July 1, 1975, except for the provisions of section 2, subsection (1) which shall take effect immediately.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

Senator Ridder moved the Senate do concur in the House amendments to Engrossed Senate Bill No. 2401.

Debate ensued.

Senator Mardesich demanded a roll call and the demand was sustained by Senators Sandison, Day, Bailey, Rasmussen, Walgren, Ridder, Benitz, Buffington and McDermott.

The President declared the question before the Senate to be the motion by Senator Ridder that the Senate concur in the House amendments to Engrossed Senate Bill No. 2401.

ROLL CALL

The Secretary called the roll and the motion failed by the following vote: Yeas, 19; nays, 27; absent or not voting, 1; excused, 2.

Voting yea: Senators Bailey, Beck, Fleming, Francis, Goltz, Grant, Henry, Jolly, Knoblauch, McDermott, Odegaard, Rasmussen, Sandison, Stortini, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson—19.

Voting nay: Senators Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Gould, Guess, Herr, Jones, Keefe, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, Newschwander, North, Peterson, Pullen, Ridder, Scott, Sellar, Talley, Woody—27.

Absent or not voting: Senator Bottiger—1.

Excused: Senators Murray, Wanamaker—2.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Ridder moved that the Senate imme-

diately reconsider the vote by which the Senate failed to concur in the House amendments to Engrossed Senate Bill No. 2401.

The motion for reconsideration failed on a rising vote.

The Senate refused to concur in the House amendments to Engrossed Senate Bill No. 2401 and asks the House to recede therefrom.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of the House Message on Engrossed Substitute Senate Bill No. 2443.

MESSAGE FROM THE HOUSE

May 24, 1975.

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 2443 with the following amendments:

On page 3, line 23, after "*contiguous*" strike all material through "*thereof*" and insert "*floodplain areas landward two hundred feet from such floodways*".

On page 3, line 28, after "*That*" strike all material down to and including "*width*" on line 31 and insert "*any county or city may determine that portion of a one-hundred-year-flood plain to be included in its master program as long as such portion includes, as a minimum, the floodway and the adjacent land extending landward two hundred feet therefrom*".

On page 4, line 2, after "*condition.*" insert "*The floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.*"

On page 5, beginning on line 27 of the engrossed bill, being line 27 of the printed bill as amended by the Senate amendment, strike the entire subsection (viii) and insert the following:

"(viii) *Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored ground water for the irrigation of lands.*

(ix) *The marking of property lines or corners on state owned lands, when such marking does not significantly interfere with normal public use of the surface of the water.*

(x) *Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on the effective date of this 1975 amendatory act which were created, developed or utilized primarily as a part of an agricultural drainage or diking system.*", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

Senator Washington moved the Senate concur in the House amendments to Engrossed Substitute Senate Bill No. 2443.

POINT OF INQUIRY

Senator Rasmussen: "Will Senator Washington yield to a question? Senator Washington, did I hear you say that the House amendments allow the state to mark state property without filing an environmental impact statement?"

Senator Washington: "Yes."

Senator Rasmussen: "That is a good change. They can now put their posts up and say where we can dig clams without . . ."

Senator Washington: "There was always the question. I think possibly they could but this does take care of that."

Senator Rasmussen: "Thank you. I am very glad to see this change made."

The motion by Senator Washington carried and the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 2443.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2443, 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 Bailey, Beck, Benitz, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Woody—44.

Voting nay: Senators Bluechel, Fleming—2.

Absent or not voting: Senator Bottiger—1.

Excused: Senators Murray, Wanamaker—2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2443, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of the Notice of Reconsideration by Senator Marsh on the failure of the Senate to pass Engrossed Senate Bill No. 2090, as amended by the House.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Will Senator Stortini yield to a question? Senator Stortini, as I understand it, the way it is now teachers receive no annual leave but they receive sick leave."

Senator Stortini: "Yes. That is true."

Senator Rasmussen: "Okay. So let us take a teacher with twenty years of service that would transfer over to the Superintendent of Public Instruction which is a state office. That person then transferring over with his twenty years of service would receive credit for twenty years of annual leave at the state office?"

Senator Stortini: "Yes. Instead of receiving the twelve days that he would receive as just a first year within the SPI office, that is true, Senator. He would receive an additional eight days because of his twenty years of service in teaching."

Senator Rasmussen: "What is the rhyme or reason for that?"

Senator Stortini: "I think that those that are in the SPI office are certified employees, just as your wife and the other fifty thousand teachers in the state of Washington, Senator, and I think that as a certified employee, whether he is in a school district or in the SPI office, should be guaranteed that."

Senator Rasmussen: "Let us turn that around. Let us take some employee that has twenty years of service from out of state. Are you going to give them the same credit?"

Senator Stortini: "We are talking about certified employees within the state of Washington."

Senator Rasmussen: "Who have no earned annual leave at the present time."

Senator Stortini: "In teaching that is true."

Senator Rasmussen: "So in effect, what we are giving, we are making a gift."

Senator Stortini: "Yes, to those that transfer from a school district to SPI in the future."

Senator Rasmussen: "I think that is part of the job here when they transfer to SPI why they go from ten, twelve thousand up to twenty-five, thirty thousand. That is part of the consideration of taking the job. I do not see that they should carry all their other benefits with them."

Senator Stortini: "That may be very true, Senator."

POINT OF INQUIRY

Senator Mardesich: "I think that what may be unclear, and I wonder if either Senator Stortini or Senator Gould would yield, and I gather from what you are saying that in the Teachers Retirement System, the teachers accrue no annual leave because of the fact they have the nine month school year, is that it?"

Senator Stortini: "That is right. There is nothing in their contract that gives them annual leave, only sick leave."

Senator Mardesich: "And then in effect what this would do is provide that a man with twenty years experience in the teaching profession, having moved to the Superintendent's office, would get those number of days which a person who had twenty years in in the Superintendent's office."

Senator Stortini: "He would be able to credit those years of service."

Senator Mardesich: "As PERS employee, in effect? He would merely take the credit with him so that if a man after twenty years acquires his thirty days of vacation a year then he would qualify for thirty days of vacation in a year by virtue of his twenty years of prior employment?"

Senator Stortini: "It has nothing to do with the retirement system."

Senator Mardesich: "Right."

Senator Stortini: "What you are saying is true."

Senator Rasmussen: "Mr. President, Senator Mardesich, what you are doing in effect is giving them something to transfer that they do not have."

Senator Mardesich: "I did not say I was going to vote aye, Senator Rasmussen."

Senator Rasmussen: "And it has nothing to do with the retirement system at all. You have had me confused."

Senator Gould: "I think perhaps we need to know what these people have before they come to the Superintendent of Public Instruction's office. The people who are certificated personnel, have been employees of school districts, are either on a teaching schedule which means that they have the regular vacations plus the three months in the summer, unless they are hired for additional services, but they do have vacation schedules; or else they are hired administrators who are certificated and also have vacation schedules built into their contract. Either they have a twelve month contract with two or three or four or five weeks vacation built into the contract or they have an eleven month contract or a shorter contract. When they go to the Superintendent of Public Instruction's office they usually have been in a district fifteen or twenty years and have the experience to take to the SPI's office, but presently they go into that job cold as far as vacation is concerned. This just allows them to have the additional days benefit from the time of their employment in a school district. For instance, as was said before, if somebody has fifteen years in a local school district they without this bill would be entitled to twelve days vacation. With this bill they will be entitled to eighteen days vacation and it is a bonus day system so that if they go in at twenty-five days they get an additional ten days vacation. It is the normal type of procedure that they go into business in any industry."

MOTION

On motion of Senator Lewis (Harry), the Senate refused to concur in the House amendments to Engrossed Senate Bill No. 2090 and asks the House to recede therefrom.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Engrossed Substitute Senate Bill No. 2833.

MESSAGE FROM THE HOUSE

May 24, 1975.

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 2833 with the following amendment:

On page 4, line 5 of the engrossed substitute bill, being page 3, line 34 of the printed substitute bill, following "installation." strike the balance of the section and insert, "The railroad whose road is crossed by the highway, street, or road shall thereafter pay the entire cost of maintaining the device: PROVIDED, That if such device is installed at the direction of the commission pursuant to RCW 81.53.271 and results in a reduction in the amount of the appropriation to the grade crossing protective fund pursuant to section 2 of this 1975 amendatory act, then the cost of maintaining the device shall be apportioned by the commission: (1) twenty-five percent to the grade crossing protective fund, created by RCW 81.53.281, and (2) seventy-five percent to the railroad.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Walgren, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 2833.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2833, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 2.

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

Absent or not voting: Senator Herr—1.

Excused: Senators Murray, Wanamaker—2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2833, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of the House Message on Engrossed Senate Bill No. 2840.

MESSAGE FROM THE HOUSE

May 24, 1975.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2840 with the following amendments:

On page 1, line 26, after "nor" insert "*, during the first five years of confinement,*".

On page 1, line 29, after "person" strike "*during the first five years of confinement*".

On page 2, line 1, after "confinement" insert "*: PROVIDED, That no such convicted person shall be released to participate in any such programs until having voluntarily completed treatment in a sexual psychopath program to be made available by the director of the department of social and health services*", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTIONS

On motion of Senator Francis, the Senate refused to concur in the House amendments to Engrossed Senate Bill No. 2840 and asks the House to recede therefrom.

On motion of Senator Francis, the Senate was ordered to send correctly Engrossed Senate Bill No. 2840 to the House.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of the House Message on Engrossed Senate Bill No. 2862.

MESSAGE FROM THE HOUSE

May 24, 1975.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2862 with the following amendment:

On page 1, line 12, after "the" strike "thirtieth day" and insert "[thirtieth day] *last Monday*", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

Senator Fleming moved the Senate concur in the House amendment to Engrossed Senate Bill No. 2862.

Debate ensued.

MOTION

Senator Bailey moved that the Senate refuse to concur in the House amendment to Engrossed Senate Bill No. 2862 and ask the House to recede therefrom.

Senator Knoblauch demanded a roll call and the demand was sustained by Senators Talley, Sandison, Bailey, Guess, Cunningham, Buffington, Odegaard, Rasmussen and Marsh.

The President declared the question before the Senate to be the positive motion by Senator Fleming that the Senate concur in the House amendment to Engrossed Senate Bill No. 2862.

ROLL CALL

The Secretary called the roll and the motion failed by the following vote: Yeas, 12; nays, 34; absent or not voting, 1; excused, 2.

Voting yea: Senators Bluechel, Fleming, Gould, Grant, Jones, Lewis (Harry), Newschwander, North, Scott, Sellar, von Reichbauer, Washington—12.

Voting nay: Senators Bailey, Beck, Benitz, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Goltz, Guess, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Stortini, Talley, Van Hollebeke, Walgren, Wilson, Woody—34.

Absent or not voting: Senator Bottiger—1.

Excused: Senators Murray, Wanamaker—2.

The motion by Senator Bailey carried and the Senate refused to concur in the House amendment to Engrossed Senate Bill No. 2862 and asks the House to recede therefrom.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of the House Message on Engrossed Senate Bill No. 2913.

MESSAGE FROM THE HOUSE

May 23, 1975.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2913 with the following amendment:

On page 2, beginning on line 3, after "dollars" strike all material down to and including "*assistant*" on line 9, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator McDermott, the Senate concurred in the House amendment to Engrossed Senate Bill No. 2913.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2913, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

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

Excused: Senators Murray, Wanamaker—22.

ENGROSSED SENATE BILL NO. 2913, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of the House Message on Engrossed Senate Joint Resolution No. 101.

MESSAGE FROM THE HOUSE

May 23, 1975.

Mr. President: The House has passed ENGROSSED SENATE JOINT RESOLUTION NO. 101 with the following amendment:

On page 1, line 9, after "following:" strike everything and insert

"ARTICLE IVA

THE JUDICIAL SYSTEM

Article IVA, section 1. JUDICIAL SYSTEM. (1) Court System. The judicial power of the state shall be vested in a judicial system which shall be divided into one supreme court, a court of appeals, a superior court, a district court and such other courts as may be established by law.

(2) Court of Record. The supreme court, the court of appeals, and the superior court shall be courts of record. Any other court may be made a court of record by law.

(3) Right of Review. All parties shall be entitled to at least one review, except in civil cases of minor significance as designated by law. A trial de novo, as authorized by law, does not constitute a review.

(4) Operations. When necessary for the effective administration of justice, justices and judges may, pursuant to law, be directed or permitted to perform, temporarily, judicial duties in any court of record. Any justice or judge may, also, upon request and at his discretion, temporarily perform judicial duties in any court not of record. Retired justices or judges may, upon request and at their discretion, temporarily perform judicial duties in any court as provided by law.

(5) Decisions. All determinations of causes by any court shall be documented as required by law or rule.

(6) Decision Time Limits. The legislature, by law, shall prescribe time limits from the time of the submission of the cause within which decisions shall be rendered. The time limits shall not be less than six months for the supreme court, not less than four months for the court of appeals, and not less than three months for the superior court.

(7) Funding. The legislature shall provide the method of funding the operations of the courts to the extent it deems necessary.

(8) The judicial branch of the government of the state shall be subject to fiscal post-audit by the state auditor of receipts and expenditures of public funds within its control to the extent provided by law.

Article IVA, section 2. SUPREME COURT. (1) Number. The supreme court shall be not less than five nor more than nine justices as may be provided by law.

(2) Writs and Process. The supreme court shall have discretionary jurisdiction in habeas corpus, quo warranto, mandamus, certiorari, review and prohibition. It shall also have the power to issue writs, including such writs as the legislature may ordain, and process necessary or appropriate to secure justice to the parties and in aid of its jurisdiction.

(3) Appellate Jurisdiction. The supreme court shall have appellate jurisdiction over all judgments imposing a sentence of death or life imprisonment and shall have power to assume appellate jurisdiction over any other court decision. Appellate jurisdiction of decisions of other courts or administrative agencies shall be exercised as provided by law or by rule authorized by law.

Article IVA, section 3. COURT OF APPEALS. (1) Number. The number of judges of the court of appeals shall be as provided by law.

(2) Jurisdiction. The jurisdiction of the court of appeals shall be as provided by law or rule authorized by law.

Article IVA, section 4. SUPERIOR COURT. (1) Number. The number of judges of the superior court shall be as provided by law.

(2) Jurisdiction. The superior court shall have original jurisdiction in all cases except as to any limited original or concurrent jurisdiction as may be assigned to other courts by the legislature. The superior court shall also have such appellate jurisdiction as may be assigned by law. Judges of the superior court shall have the power to issue writs, including such writs as the legislature may ordain, and process necessary or appropriate to secure justice to parties and in aid of its jurisdiction.

Article IVA, section 5. DISTRICT COURTS. (1) Number. The number of judges of the district court shall be as provided by law.

(2) Jurisdiction. The district court shall have such jurisdiction as may be assigned by the legislature, provided, such courts shall not have jurisdiction of felonies or in civil cases where the boundaries or title to real property shall be in question.

Article IVA, section 6. JUDGES PRO TEMPORE. A case in the superior court or district court may be tried by a judge, pro tempore, who must be admitted to the practice of law in the state of Washington, agreed upon by the parties litigant or their attorneys of record, approved by the court and sworn to try the case. Such service shall not preclude such person from holding another public office during or after his service as a judge pro tempore.

Article IVA, section 7. ELIGIBILITY OF JUSTICES AND JUDGES. To be eligible for appointment or election to a judicial position in a court of record, the person must be domiciled within the state, a citizen of the United States, and admitted to the practice of law in the state of Washington. To be eligible for appointment or election to a judicial position in a district court, the person must meet all of the requirements of a judge sitting in a court of record except that a person who has been elected and has served as a justice of the peace or as a district court judge in Washington shall not be required to be admitted to the practice of law in the state of Washington.

Article IVA, section 8. ELECTION, APPOINTMENT AND TERMS OF JUSTICES AND JUDGES. (1) Method. Justices and judges shall be elected by the electorate as provided by law: PROVIDED, No person who meets the qualifications in Article IVA, section 7, other than a judge removed from office pursuant to Article IVA, section 13(3), shall be precluded from filing as a candidate for election to a judicial position.

(2) Term of Office. The term of office for justices of the supreme court and for judges of the court of appeals shall be six years and for judges of the superior court and the district court four years commencing on the second Monday in January following the election of the justice or judge. The term of office for judges of any other courts as may be established by the legislature shall be as provided by law.

(3) Vacancies in Judicial Positions. If a vacancy occurs in the office of a justice of the supreme court or a judge of the court of appeals or the superior court, the governor shall appoint a person residing in the electoral area served by such court to hold the

office until the election and qualification of a justice or judge to fill the vacancy, which election shall take place at the next succeeding general election, and the justice or judge so elected shall hold office for the remainder of the unexpired term. A vacancy in the office of a judge of a district court or of a judge of any other courts as may be established by the legislature shall be filled as provided by law.

(4) **Electorate.** The electorate of the entire state shall vote on justices of the supreme court. The electorate for other judges shall be as provided by law.

(5) **Times of Voting.** Justices and judges shall be voted on at general elections unless provided otherwise by law.

(6) **Nonpartisan.** All judicial elections shall be nonpartisan.

Article IVA, section 9. OATHS. Every justice and judge shall, before entering upon the duties of his office, take and subscribe an oath that he will support the Constitutions of the United States and of the state of Washington, and will faithfully and impartially discharge his judicial duties to the best of his ability, which oath shall be filed in the office of the secretary of state.

Article IVA, section 10. COMPENSATION. Compensation for justices and judges shall be fixed and paid as provided by law but shall not be diminished during the term of a justice or judge.

Article IVA, section 11. RESTRICTION. (1) **Practice of Law and Other Employment.** No justice or judge of a court of record or full time district court judge shall engage in the practice of law or hold other employment inconsistent with canons of judicial conduct during the time in which he holds office.

(2) **Politics.** Any justice or judge shall, during his tenure in office, be ineligible to hold any other office; or public employment other than a judicial office; nor shall he make contributions for the election of any public official nor engage in any political activities inconsistent with canons of judicial conduct.

Article IVA, section 12. RETIREMENT. Any justice or judge shall retire from office at the end of the calendar year in which the age of seventy-five years is attained. The legislature may provide for a lesser age for mandatory retirement, not earlier than the end of the calendar year in which any justice or judge attains the age of seventy years.

Article IVA, section 13. DISCIPLINE AND REMOVAL. (1) **Judicial Qualifications Commission.** There shall be a commission on judicial qualifications. The commission shall be composed of an appellate court judge, appointed by the chief justice, a superior court judge, selected by the superior court judges, a district court judge, selected by the district court judges, two lawyers admitted to the practice of law in the state of Washington appointed by the bar association of the state and four lay citizens selected by the governor. Procedures of the commission and the terms of office of its members shall be prescribed by law.

(2) **Powers of Commission.** The judicial qualifications commission for cause may recommend to the supreme court that any justice or judge be suspended, removed or otherwise disciplined for misconduct in office or for willful and persistent failure to perform his duties or for conduct prejudicial to the administration of justice that brings the judicial office into disrepute. The commission may also recommend to the supreme court that a justice or judge be retired for disability seriously interfering with the performance of his duties which is of a permanent character.

(3) **Supreme Court Review.** Upon a recommendation for disciplinary action by the judicial qualifications commission, the supreme court shall hold a hearing to review the records of the proceedings of the commission on the law and facts, and in its discretion, may order retirement, suspension, removal, or any other appropriate discipline as it finds just and proper. Upon an order for involuntary retirement for a permanent disability, the justice or judge shall thereby be retired with the same rights and privileges as if he retired pursuant to law. Upon an order for removal, the justice or judge shall thereby be removed from office and his salary shall cease from the date of such order. On the entry of an order for retirement or for removal, the office shall be deemed vacant.

Article IVA, section 14. THE CHIEF JUSTICE. (1) **Selection and Term.** The chief

justice shall be selected from the elected membership of the supreme court by a majority vote of the court for a term of four years and shall serve at the pleasure of the court. He may be selected to not more than two consecutive terms as chief justice upon a majority vote of the court, but no such selection shall extend the term of a justice. The term of the chief justice first selected shall commence on the effective date of this article and continue for the term herein provided and until his successor is selected by the court.

(2) **Administrative Role.** The chief justice shall be the chief administrative officer of the judicial system of the state of Washington and shall supervise and direct the performance of the management and administrative duties of the judicial system and shall preside at sessions of the supreme court. The supreme court may select an acting chief justice from the membership of the supreme court pursuant to rule to perform the duties of the chief justice in his absence.

Article IVA, section 15. PROCEDURE. The supreme court shall have authority to adopt rules for the procedure of all courts.

Article IVA, section 16. MANAGEMENT AND ADMINISTRATION. (1) **Responsibility.** Responsibility for the management and administration of the judicial system shall be vested in the supreme court and exercised pursuant to supreme court rule unless provided otherwise by law.

(2) **Court Administrator.** The supreme court shall appoint a court administrator and such other personnel as the court may deem necessary to aid the administration of the courts.

(3) **Administrative Regions.** The state may be divided into judicial regions for administrative purposes pursuant to supreme court rule. A region may embrace one or more trial court levels and one or more counties.

(4) **Chief Judge.** The judges of such administrative regions as shall be created by supreme court rule shall select one of their members to serve as chief administrative judge. Such chief administrative judge shall serve for such period of time as may be provided by supreme court rule. Subject to rules of the supreme court, the chief administrative judge of a region shall have general administrative authority over all courts within his region.

Article IVA, section 17. COURT COMMISSIONERS. The legislature may, by law, provide for court commissioners for each trial court level.

Article IVA, section 18. CHARGING JURIES. Judges shall not charge juries with respect to matters of fact, nor comment thereon, but shall declare the law.

Article IVA, section 19. CLERK OF THE SUPERIOR COURT. The county clerk shall be, by virtue of his office, clerk of the superior court.

Article IVA, section 20. TRANSITION AND SAVINGS. The adoption of this article shall not be construed to affect any existing right acquired under any statute, rule, regulation, resolution, ordinance, or order promulgated pursuant to and taking its validity from such superseded constitutional provision; nor as affecting any actions, activities, or proceedings validated thereunder, nor as affecting any civil or criminal proceedings instituted thereunder, nor the term of office, or appointment or employment of any person appointed or elected thereunder. All rights coming into existence and occurring on or after the effective date of this article shall be governed by the provisions of this article as though the article superseded hereby never existed.

Article IVA, section 21. EFFECTIVE DATE. This article, if approved by the voters, will become effective on the tenth day of January, 1977.

Article IVA, section 22. NEW ARTICLE. Sections 1 through 20 of this joint resolution shall constitute a new article number IVA in the Constitution of the state of Washington.

Article IVA, section 23. REPEALER. The following article of the Constitution of the state of Washington, or parts thereof, or amendments thereto, are each hereby repealed:

- (1) Article IV, sections 1 through 30.
- (2) Amendment 25.
- (3) Amendment 28.
- (4) Amendment 38.

(5) Amendment 41.

(6) Amendment 50.

BE IT FURTHER RESOLVED, That the secretary of state shall cause the foregoing constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Francis, the Senate concurred in the House amendment to Engrossed Senate Joint Resolution No. 101.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Joint Resolution No. 101, as amended by the House, and the resolution passed the Senate by the following vote: Yeas, 45; nays, 1; absent or not voting, 1; excused, 2.

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

Voting nay: Senator Pullen—1.

Absent or not voting: Senator Keefe—1.

Excused: Senators Murray, Wanamaker—2.

ENGROSSED SENATE JOINT RESOLUTION NO. 101, as amended by the House, having received the constitutional two-thirds majority, was declared passed.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of the House Message on Engrossed Substitute Senate Joint Resolution No. 127.

MESSAGE FROM THE HOUSE

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE JOINT RESOLUTION NO. 127, with the following amendment:

On page 1, strike everything after the clause of resolution and insert the following:

"THAT, At the general election to be held in this state on the first Tuesday next succeeding the first Monday in November, 1975, there shall be submitted to the qualified electors of this state, for their approval and ratification, or rejection, a proposal to amend Article XXVIII of the Constitution of the state of Washington by amending section 1 thereof to read as follows: Article XXVIII, section 1. All elected state officials shall each severally receive such compensation as the legislature may direct. The compensation of any state officer shall not be [increased or] diminished during his term of office [except that the legislature, at its thirty first regular session, may increase or diminish the compensation of all state officers whose terms exist on the Thursday after the second Monday in January, 1949]. *No member of the legislature, during the term for which he is elected, shall be appointed to any civil office in the state which shall have been created, or the emoluments of which shall have been increased, by the legislature during the term for which he was elected. Salaries for members of the legislature shall be fixed by an independent commission created by law for that purpose. No state official, member or former member of the state legislature, state employee, or official or employee of a political subdivision, municipal corporation, or special district of the state, or person required to register with a state agency as a lobbyist, shall be a member of the commission. No less than sixty percent of the membership of the commission shall be chosen by lot by the secretary of state from among the registered voters of the state, with*

one member from each congressional district. Persons chosen by lot shall be confirmed by the chief justice of the supreme court, who shall personally or by designee examine each person for bias, interest, prejudice and competency. The balance of the membership shall be appointed as provided by law. The term of office of the members of the commission shall be as determined by law, and no member of the commission may be removed except for cause specified by law, following a hearing by a tribunal of three superior court judges appointed by the chief justice of the supreme court. Any change of salary shall be filed with the secretary of state and shall become law ninety days thereafter without action of the legislature or governor, but shall be subject to referendum petition by the people, filed within said ninety days. Referendum measures under this section shall be submitted to the people at the next following general election, and shall be otherwise governed by the provisions of this Constitution generally applicable to referendum measures. The salaries fixed pursuant to this section shall supersede any other provision for the salaries of members of the legislature. Sections 13 and 23 of Article II are hereby repealed, and the provisions of sections 14, 16, 17, 19, 20, 21, and 22 of Article III and section [23] 1 of Article II insofar as they are inconsistent herewith, are hereby repealed.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of the foregoing constitutional amendments 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.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Mardesich, the Senate refused to concur in the House amendment to Engrossed Substitute Senate Joint Resolution No. 127 and asks the House for a conference thereon.

MOTION

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

INTRODUCTION AND FIRST READING

SENATE CONCURRENT RESOLUTION NO. 116, by Senators Lewis (Harry), Matson, Newschwander, Clarke, Scott and Lewis (R. H. "Bob"):
Prescribing date for legislature to adjourn SINE DIE.

MOTION

Senator Lewis (Harry) moved the rules be suspended and Senate Concurrent Resolution No. 116 be advanced to second reading.

MOTION

On motion of Senator Mardesich, Senate Concurrent Resolution No. 116 was ordered held on the fifth order of business for Wednesday, May 28, 1975.

MOTION

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

MOTION

On motion of Senator Mardesich, the Notice of Reconsideration on Senate Bill No. 2410 was ordered held for Wednesday, May 28, 1975.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Joint Resolution No. 127: Senators Francis, Sellar and Grant.

MOTION

On motion of Senator Mardesich, the Conference Committee appointments were confirmed.

MOTION

At 5:40 p.m., on motion of Senator Mardesich, the Senate adjourned until 11:00 a.m., Wednesday, May 28, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

SEVENTY-SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, May 28, 1975.

The Senate was called to order at 11:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Buffington, Murray and Rasmussen. On motion of Senator Lewis (R. H. "Bob"), Senators Buffington and Murray were excused.

The Color Guard, consisting of Pages Lynne Osterdahl and David Lee, presented the Colors. Doctor Henry S. Rahn, pastor emeritus of the First Baptist Church of Olympia, offered the following prayer:

"ETERNAL GOD OUR FATHER, SO OPEN OUR EYES AND HEARTS AND STRETCH OUR SOULS THAT WE MAY RECOGNIZE AND EMBRACE THE WONDERS OF YOUR GRACE. HELP US TO BE QUICK TO DISCOVER IN THE WORLD WHICH THOU HAST MADE, THY ACTIVITY IN IT TODAY. AS WE FACE COMPLEXITIES OF THIS DAY, ENLIGHTEN OUR MINDS WITH THY WISDOM, AND GRANT US THE JOY OF ACHIEVEMENT ACCORDING TO THY WILL. IN OUR MASTER'S NAME AMEN."

MOTION

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

REPORT OF STANDING COMMITTEE

May 27, 1975.

ENGROSSED HOUSE BILL NO. 687, providing for exemption of irrigation equipment from sales and use tax (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson, Second Vice Chairman; Bailey, Clarke, Fleming, Lewis (Harry), Matson, Newschwander, Washington.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE HOUSE

May 27, 1975.

Mr. President: The House has passed:

ENGROSSED HOUSE BILL NO. 12,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1162, and the same are herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

May 27, 1975.

Mr. President: The House has passed:

ENGROSSED SENATE BILL NO. 2698,

SENATE BILL NO. 2957, and the same are herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

May 27, 1975.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 467 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

May 27, 1975.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 105 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

May 27, 1975.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 1029 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

May 27, 1975.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 788 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

May 27, 1975.

Mr. President: The House has adopted the report of the Conference Committee on ENGROSSED HOUSE BILL NO. 95, and has granted said committee the powers of Free Conference.

DONALD R. WILSON, Assistant Chief Clerk.

May 27, 1975.

Mr. President: The House has granted the request of the Senate for a conference on

ENGROSSED SUBSTITUTE HOUSE BILL NO. 32 and the Senate amendments thereto and the Speaker has appointed as members of the Conference Committee thereon: Representatives Parker, Savage and Matthews.

DEAN R. FOSTER, Chief Clerk,

May 27, 1975.

Mr. President: The House has adopted the report of the Free Conference Committee on HOUSE BILL NO. 171 and has passed the bill as amended by the Free Conference Committee.

DEAN R. FOSTER, Chief Clerk,

May 27, 1975.

Mr. President: The Speaker has signed:
HOUSE BILL NO. 2,
SUBSTITUTE HOUSE BILL NO. 67,
SUBSTITUTE HOUSE BILL NO. 126,
SUBSTITUTE HOUSE BILL NO. 184,
SUBSTITUTE HOUSE BILL NO. 212,
HOUSE BILL NO. 267,
SUBSTITUTE HOUSE BILL NO. 340,
HOUSE BILL NO. 423,
HOUSE BILL NO. 464,
HOUSE BILL NO. 530,
HOUSE BILL NO. 619, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:
HOUSE BILL NO. 2,
SUBSTITUTE HOUSE BILL NO. 67,
SUBSTITUTE HOUSE BILL NO. 126,
SUBSTITUTE HOUSE BILL NO. 184,
SUBSTITUTE HOUSE BILL NO. 212,
HOUSE BILL NO. 267,
SUBSTITUTE HOUSE BILL NO. 340,
HOUSE BILL NO. 423,
HOUSE BILL NO. 464,
HOUSE BILL NO. 530,
HOUSE BILL NO. 619.

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE SENATE BILL NO. 2006,
SENATE BILL NO. 2047,
SENATE BILL NO. 2070,
SENATE BILL NO. 2146,
SUBSTITUTE SENATE BILL NO. 2251,
SENATE BILL NO. 2306,
SENATE BILL NO. 2310,
SENATE BILL NO. 2386,
SUBSTITUTE SENATE BILL NO. 2423,
SUBSTITUTE SENATE BILL NO. 2443,
SUBSTITUTE SENATE BILL NO. 2463,

SENATE BILL NO. 2611,
SENATE BILL NO. 2634,
SUBSTITUTE SENATE BILL NO. 2727,
SENATE BILL NO. 2913.

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

REPORT OF FREE CONFERENCE COMMITTEE

May 22, 1975.

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred ENGROSSED HOUSE BILL NO. 95, adding a new chapter which revises all statutes relating to eggs and egg production, have had the same under consideration, and recommend that the bill be amended as recommended by the Conference Committee.

Signed by: Senators Day, Goltz and Sellar; Representatives Becker, Boldt and Haley.

MOTION

On motion of Senator Day, the report of the Free Conference Committee on Engrossed House Bill No. 95 was adopted.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 95, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 41; nays, 3; absent or not voting, 3; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Clarke, Cunningham, Day, Donohue, Fleming, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—41.

Voting nay: Senators Francis, Jones, Lewis (Harry)—3.

Absent or not voting: Senators Bottiger, Rasmussen, Stortini—3.

Excused: Senators Buffington, Murray—2.

ENGROSSED HOUSE BILL NO. 95, 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 CONFERENCE COMMITTEE

May 26, 1975.

Mr. Speaker:

Mr. President:

We, of your Conference Committee, to whom was referred ENGROSSED HOUSE BILL NO. 675, regulating the receipt of unanticipated funds, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill to read as follows:

Strike all material after the enacting clause and insert the following:

"Section 1. Section 43.09.310, chapter 8, Laws of 1965 as amended by section 2, chapter 170, Laws of 1971 ex. sess. and RCW 43.09.310 are each amended to read as follows:

The state auditor, through the division of departmental audits, shall make a post-audit of every state department at such reasonable periodic intervals as he shall determine but in each case an audit shall be conducted every two years. A report *shall be*

made of each post-audit upon completion thereof, [shall be made in sextuplet,] and one copy shall be transmitted to the governor, one to the director of the office of program planning and fiscal management, one to the attorney general, one to the state department audited, one to the legislative budget committee, one each to the standing committees on ways and means of the house and senate, one to the chief clerk of the house, one to the secretary of the senate, and at least one shall be kept on file in the office of the state auditor.

Sec. 2. Section 43.62.050, chapter 8, Laws of 1965 and RCW 43.62.050 are each amended to read as follows:

The board shall develop and maintain student enrollment forecasts of Washington schools, including both public and private, elementary schools, junior high schools, high schools, colleges and universities. The board shall submit reports on such forecasts to the governor [and to], the legislative budget committee, *and the standing committees on ways and means of the house and the senate* on or before the fifteenth day of November of each even-numbered year.

Sec. 3. Section 43.79.270, chapter 8, Laws of 1965 as amended by section 2, chapter 144, Laws of 1973 and RCW 43.79.270 are each amended to read as follows:

(1) Whenever any money, from the federal government, or from other sources, *is expected to be available for expenditure and which was not anticipated in the budget approved by the legislature [has actually been received]* and is designated to be spent for a specific purpose, the head of any department, agency, board, or commission through which such expenditure shall be made is to submit to the governor a statement [which may be in the form of a request for an allotment amendment] setting forth the facts constituting the need for such expenditure and the estimated amount to be expended[: PROVIDED, That no expenditure shall be made in excess of the actual amount received, and no money shall be expended for any purpose except the specific purpose for which it was received]. A copy of any proposal submitted to the governor to expend money [from an appropriated fund or account in excess of appropriations provided by law] which is based on the receipt of unanticipated revenues shall be submitted to the legislative budget committee and [also] to the standing committees on ways and means of the house and senate [if the legislature is in session] at the same time as it is transmitted to the governor.

(2) *If the governor approves such estimate in whole or in part, he shall endorse on each copy of the statement his approval, together with a statement of the amount recommended for expenditure, and transmit one copy to the legislative budget committee. The committee staff shall compile such expenditure recommendations and periodically submit them for legislative consideration and disposition as set forth in section 12 of this 1975 amendatory act. The committee staff shall also prepare and submit appropriate recommendations as to legislative disposition on each proposal for additional spending recommended by the governor pursuant to this section. The committee shall advise the office of program planning and fiscal management, the affected state agency, and the standing committees on ways and means of the house and senate of all actions on spending proposals recommended by the governor under the terms of this section.*

NEW SECTION. Sec. 4. There is added to chapter 43.88 RCW a new section to read as follows:

(1) Federal funds available during a fiscal period which were not anticipated relative to appropriations enacted for that fiscal period shall be used in lieu of funds appropriated from state or local revenue sources wherever possible unless prohibited by federal law, rule, regulation, or other restriction. Exceptions to the fund substitution requirements imposed by this subsection may be granted by a favorable majority vote of the standing committees on ways and means of the house and senate while the legislature is in session or has not been in recess for three days or more. At other times, exceptions may be granted by action of the legislative budget committee.

(2) Unanticipated receipts other than those covered by subsection (1) of this section, available during a fiscal period which were not anticipated relative to appropriations enacted for that fiscal period may also be substituted for appropriated funds by direction of either the legislative budget committee or the standing committees on ways

and means of the house and senate in the same manner as federal fund substitutions are handled under subsection (1) of this section.

Sec. 5. Section 43.88.090, chapter 8, Laws of 1965 as amended by section 6, chapter 100, Laws of 1973 1st ex. sess. and RCW 43.88.090 are each amended to read as follows:

For purposes of developing his budget proposals to the legislature, the governor shall have the power, and it shall be his duty, to require from proper agency officials such detailed estimates and other information in such form and at such times as he shall direct. The estimates for the legislature and the judiciary shall be transmitted to the governor and shall be included in the budget. Estimates for the legislature and for the supreme court shall be included in the budget without revision. Copies of all such estimates shall be transmitted to the [legislative budget committee] *standing committees on ways and means of the house and senate* at the same time as they are filed with the governor and the office of program planning and fiscal management. In the year of the gubernatorial election, the governor shall invite the governor-elect or his designee to attend all hearings provided in RCW 43.88.100; and the governor shall furnish the governor-elect or his designee with such information as will enable him to gain an understanding of the state's budget requirements. The governor-elect or his designee may ask such questions during the hearings and require such information as he deems necessary and may make recommendations in connection with any item of the budget which, with the governor-elect's reasons therefor, shall be presented to the legislature in writing with the budget document. Copies of all such estimates and other required information shall also be submitted to the [legislative budget committee. The governor shall also invite the legislative budget committee to designate one or more persons to be present at all hearings provided in RCW 43.88.100. The designees of the legislative budget committee may also ask such questions during the hearings and require such information as they deem necessary] *standing committees on ways and means of the house and senate.* Sec. 6. Section 43.88.110, chapter 8, Laws of 1965 and RCW 43.88.110 are each amended to read as follows:

Subdivisions (1) and (2) of this section set forth the expenditure programs and the allotment and reserve procedures to be followed by the executive branch.

(1) Before the beginning of the fiscal period, all agencies shall submit to the governor a statement of proposed agency expenditures at such times and in such form as may be required by him. The statement of proposed expenditures shall show, among other things, the requested allotments of appropriations for the ensuing fiscal period for the agency concerned for such periods as may be determined by the budget director for the entire fiscal period. The governor shall review the requested allotments in the light of the agency's plan of work and, with the advice of the budget director, he may revise or alter agency allotments: PROVIDED, That revision of allotments shall not be made for [the following:] agencies headed by elective officials [; University of Washington; Washington State University, Central Washington State College; Eastern Washington State College; and Western Washington State College]. The aggregate of the allotments for any agency shall not exceed the total of appropriations available to the agency concerned for the fiscal period.

(2) Except for agencies headed by elective officials, [and for institutions for higher education, as provided in this section, the] approved allotments may be revised during the course of the fiscal period in accordance with the regulations issued pursuant to this chapter. If at any time during the fiscal period the governor shall ascertain that available revenues for the applicable period will be less than the respective appropriations, he shall revise the allotments concerned so as to prevent the making of expenditures in excess of available revenues. To the same end, and with the exception stated in this section for allotments involving agencies heading by elective officials [and for institutions for higher education] the governor is authorized to withhold and to assign to, and to remove from, a reserve status any portion of an agency appropriation which in the governor's discretion is not needed for the allotment. No expenditures shall be made from any portion of an appropriation which has been assigned to a reserve status except as provided in this section.

(3) It is expressly provided that all agencies shall be required to maintain accounting records and to report thereon in the manner prescribed in this chapter and under the regulations issued pursuant to this chapter.

Sec. 7. Section 1, chapter 263, Laws of 1971 ex. sess. and RCW 43.88.115 are each amended to read as follows:

Either the legislative budget committee [is] or the standing committees on ways and means of the house and senate are authorized and may order reductions in general fund expenditures for other elected public officials and all public educational agencies and their facilities [except institutions of higher learning] up to the amount of reductions which are required by agencies under the control of the governor, to the end that while the independence of such elective offices and educational agencies [except institutions of higher learning] be assured, necessary measures of economy shall be shared by all agencies concerned with the functions of government.

Sec. 8. Section 43.88.160, chapter 8, Laws of 1965 as last amended by section 11, chapter 40, Laws of 1975 and RCW 43.88.160 are each amended to read as follows:

This section sets forth the major fiscal duties and responsibilities of officers and agencies of the executive branch. The regulations issued by the governor pursuant to this chapter shall provide for a comprehensive, orderly basis for fiscal management and control, including efficient accounting and reporting therefor, for the executive branch of the state government and may include, in addition, such requirements as will generally promote more efficient public management in the state.

(1) Governor; director of program planning and fiscal management. The governor, through his director of program planning and fiscal management, shall devise and supervise a modern and complete accounting system for each agency to the end that all revenues, expenditures, receipts, disbursements, resources and obligations of the state shall be properly and systematically accounted for. The accounting system shall include the development of accurate, timely records and reports of all financial affairs of the state. The system shall also provide for comprehensive central accounts in the office of program planning and fiscal management. The director of program planning and fiscal management may require such financial, statistical and other reports as he deems necessary from all agencies covering any period.

In addition, the director of program planning and fiscal management, as agent of the governor, shall:

(a) Make surveys and analyses of agencies with the object of determining better methods and increased effectiveness in the use of manpower and materials; and he shall authorize expenditures for employee training to the end that the state may benefit from training facilities made available to state employees;

(b) Report to the governor with regard to duplication of effort or lack of coordination among agencies;

(c) Review any pay and classification plans, and changes thereunder, developed by any agency for their fiscal impact: PROVIDED, That none of the provisions of this subsection shall affect merit systems of personnel management now existing or hereafter established by statute relating to the fixing of qualifications requirements for recruitment, appointment, or promotion of employees of any agency. He shall advise and confer with agencies including [the legislative budget committee and the legislative council] *appropriate standing committees of the legislature as may be designated by the speaker of the house and the president of the senate* regarding the fiscal impact of such plans and may amend or alter said plans, except that for the following agencies no amendment or alteration of said plans may be made without the approval of the agency concerned: Agencies headed by elective officials[]; University of Washington; Washington State University; Central Washington State College; Eastern Washington State College; Western Washington State College; The Evergreen State College; new, four year state colleges subsequently authorized; professional education employees of the state board for community college education, and the various state community colleges].

(d) Fix the number and classes of positions or authorized man years of employment for each agency and during the fiscal period amend the determinations previously

fixed by him except that he shall not be empowered to fix said number or said classes for the following: Agencies headed by elective officials; [University of Washington; Washington State University; Central Washington State College; Eastern Washington State College; Western Washington State College; The Evergreen State College; new, four year state colleges subsequently authorized; professional education employees of the state board for community college education; and the various state community colleges:]

(e) Promulgate regulations to effectuate provisions contained in subsections (a) through (d) hereof.

(2) The treasurer shall:

(a) Receive, keep and disburse all public funds of the state not expressly required by law to be received, kept and disbursed by some other persons: PROVIDED, That this subsection shall not apply to those public funds of the institutions of higher learning which are not subject to appropriation;

(b) Disburse public funds under his supervision or custody by warrant or check;

(c) Keep a correct and current account of all moneys received and disbursed by him, classified by fund or account;

(d) Perform such other duties as may be required by law or by regulations issued pursuant to this law.

It shall be unlawful for the treasurer to issue any warrant or check for public funds in the treasury except upon forms duly prescribed by the director of program planning and fiscal management. Said forms shall provide for authentication and certification by the agency head or his designee that the services have been rendered or the materials have been furnished; or, in the case of payments for periodic maintenance services to be performed on state-owned equipment, that a written contract for such periodic maintenance services is currently in effect and copies thereof are on file with the office of program planning and fiscal management [and the legislative budget committee]; and the treasurer shall not be liable under his surety bond for erroneous or improper payments so made: PROVIDED, That when services are lawfully paid for in advance of full performance by any private individual or business entity other than as provided for by RCW 42.24.035, such individual or entity other than central stores rendering such services shall make a cash deposit or furnish surety bond coverage to the state as shall be fixed in an amount by law, or if not fixed by law, then in such amounts as shall be fixed by the director of the department of general administration but in no case shall such required cash deposit or surety bond be less than an amount which will fully indemnify the state against any and all losses on account of breach of promise to fully perform such services: AND PROVIDED FURTHER, That no payments shall be made in advance for any equipment maintenance services to be performed more than three months after such payment. Any such bond so furnished shall be conditioned that the person, firm or corporation receiving the advance payment will apply it toward performance of the contract. The responsibility for recovery of erroneous or improper payments made under this section shall lie with the agency head or his designee in accordance with regulations issued pursuant to this chapter.

[The auditor's current post audit of each agency may include a separate section setting forth recommendations to the legislature as provided by subsection (3)(c) of this section.]

(3) The state auditor shall:

(a) Report to the legislature the results of current post audits that have been made of the financial transactions of each agency; to this end he may, in his discretion, examine the books and accounts of any agency, official or employee charged with the receipt, custody or safekeeping of public funds. *The current post audit of each agency may include a section on recommendations to the legislature as provided in subsection (3)(c) of this section.*

(b) Give information to the legislature, whenever required, upon any subject relating to the financial affairs of the state.

(c) Make his official report on or before the thirty-first of December which precedes the meeting of the legislature. The report shall be for the last complete fiscal pe-

riod and shall include at least the following:

Determinations as to whether agencies, in making expenditures, complied with the laws of this state: PROVIDED, That nothing in *this act shall be construed to grant the state auditor the right to perform performance audits. A performance audit for the purpose of *this act shall be the examination of the effectiveness of the administration, its efficiency and its adequacy in terms of the programs of departments or agencies as previously approved by the legislature. The authority and responsibility to conduct such an examination shall be vested in the legislative budget committee as prescribed in RCW 44.28.085 *as now or hereafter amended*.

(d) Be empowered to take exception to specific expenditures that have been incurred by any agency or to take exception to other practices related in any way to the agency's financial transactions and to cause such exceptions to be made a matter of public record, including disclosure to the agency concerned and to the director of program planning and fiscal management. It shall be the duty of the director of program planning and fiscal management to cause corrective action to be taken promptly, such action to include, as appropriate, the withholding of funds as provided in RCW 43.88.110.

(e) Shall promptly report any irregularities to the attorney general.

(4) The legislative budget committee may:

(a) Make post audits [of such] of the financial transactions [as it may determine] of any agency and management surveys and program reviews as provided for in RCW 44.28.085 [and] *as now or hereafter amended*. To this end the committee may in its discretion examine the books [and], accounts, and other records of any agency, official, or employee [charged with the receipt, custody, or safekeeping of public funds].

(b) Give information to the legislature or any legislative committee whenever required upon any subject relating to the [financial affairs of the] *performance and management of state agencies*.

(c) Make [its official] a report [on or before the thirty-first of December which precedes the meeting of] to the legislature[. The report] which shall [be for the last complete fiscal period and shall] include at least the following:

(i) Determinations as to the extent to which agencies in making expenditures have complied with the will of the legislature and in this connection, may take exception to specific expenditures or financial practices of any agencies; and

(ii) Such plans as it deems expedient for the support of the state's credit, for lessening expenditures, for promoting frugality and economy in agency affairs and generally for an improved level of fiscal management[; and

(iii) A report on the efficiency and accuracy of the post audit operations of the state government].

Sec. 9. Section 1, chapter 248, Laws of 1969 ex. sess. and RCW 43.88.195 are each amended to read as follows:

After August 11, 1969, no state agency, state institution, state institution of higher education, which shall include all state universities, state colleges, and community colleges, shall establish any new accounts or funds which are to be located outside of the state treasury: PROVIDED, That the [state budget director] *office of program planning and fiscal management* shall be authorized to grant permission for the establishment of such an account or fund outside of the state treasury only when the requesting agency presents compelling reasons of economy and efficiency which could not be achieved by placing such funds in the state treasury. When the [state budget director] *director of the office of program planning and fiscal management* authorizes the creation of such fund or account, he shall forthwith give written notice of the fact to the [legislative budget committee] *standing committees on ways and means of the house and senate*.

Sec. 10. Section 4, chapter 41, Laws of 1967 ex. sess. as amended by section 3, chapter 17, Laws of 1973 2nd ex. sess. and RCW 43.88.205 are each amended to read as follows:

(1) Whenever an agency makes application, enters into a contract or agreement, or submits state plans for participation in, and for grants of federal funds under any federal law, the agency making such application shall at the time of such action, give notice

in such form and manner as the director of program planning and fiscal management [or any successor agency or committee of the legislature] may prescribe, or the chairman of the legislative budget committee, *standing committees on ways and means of the house and senate, the chief clerk of the house, or the secretary of the senate* may request.

(2) Whenever any such application, contract, agreement, or state plan is amended, such agency shall notify each such officer of such action in the same manner as prescribed or requested pursuant to subsection (1) of this section.

(3) Such agency shall promptly furnish such progress reports in relation to each such application, contract, agreement, or state plan as may be requested following the date of the filing of the application, contract, agreement, or state plan; and shall also file with each such officer a final report as to the final disposition of each such application, contract, agreement, or state plan if such is requested.

Sec. 11. Section 43.88.230, chapter 8, Laws of 1965 and RCW 43.88.230 are each amended to read as follows:

For the purposes of this chapter, [the legislative council,] the statute law committee, the legislative budget committee, and all legislative [interim] *standing committees of both houses* shall be deemed a part of the legislative branch of state government.

NEW SECTION. Sec. 12. There is added to chapter 44.04 RCW a new section to read as follows:

(1) The legislative budget committee is authorized and directed to approve, modify and approve, defer or reject by a majority vote any spending recommendations from unanticipated receipts submitted by the governor during any period during which the legislature is not in session or has been in recess for three days or more.

(2) During any period when the legislature is in session or has not been in recess three days or longer, the house and senate standing committees on ways and means are authorized to jointly or separately approve, modify and approve, defer, or reject by a majority vote of each, any spending recommendations from unanticipated receipts which the governor may recommend.

Sec. 13. Section 2, chapter 43, Laws of 1951 and RCW 44.28.060 are each amended to read as follows:

The committee shall have the power and duty to appoint its own chairman, vice chairman, and other officer's to make rules and regulations for orderly procedure; to perform, either through the legislative budget committee [or through the legislative council] or through subcommittees of the legislative budget committee, all duties and functions relating to [the study of expenditures by the] *improving the economy, efficiency, and effectiveness of state agency management by performance audits and other staff studies of state government*, its officers, boards, committees, commissions, institutions, and other state agencies.

Sec. 14. Section 4, chapter 43, Laws of 1951 as amended by section 10, chapter 206, Laws of 1955 and RCW 44.28.080 are each amended to read as follows:

The committee shall have the following powers:

(1) To make [current] examinations and reports [concerning the current condition of all state funds, appropriations and other state moneys,] concerning whether or not [such] appropriations are being [currently] expended for the purposes and within the statutory restrictions provided by the legislature; concerning the [current availability] *economic outlook and estimates of revenue to meet expenditures* [under appropriations]; and concerning the organization and operation of procedures necessary or desirable to [control the expenditures and other fiscal operations of the] *promote economy, efficiency, and effectiveness in state government*, its officers, boards, committees, commissions, institutions and other state agencies, and to make recommendations and reports to the legislature.

(2) To make such other studies and examinations of [the expenses of the] *economy, efficiency, and effectiveness of state government and its state agencies* as it may find advisable, and to hear complaints, hold hearings, gather information and make findings of fact with respect thereto.

(3) *The committee shall have the power to receive messages and reports in person or in writing from the governor or any other state officials and to study generally any*

and all business relating to economy, efficiency, and effectiveness in state government and state agencies.

Sec. 15. Section 3, chapter 170, Laws of 1971 ex. sess. and RCW 44.28.085 are each amended to read as follows:

The legislative budget committee [may] *shall* make management surveys and program reviews as to every public body, officer or employee subject to the provisions of RCW 43.09.290 through 43.09.340. *The legislative budget committee may also make management surveys and program reviews of local school districts, intermediate school districts, and other units of local government receiving state funds as grants-in-aid or as shared revenues.* Management surveys for the purposes of this section shall be an independent examination for the purpose of providing the legislature with an evaluation and report of the manner in which any *public agency*, officer, administrator, or employee [of a state agency subject to RCW 43.09.299 through 43.09.300] has discharged [his] *the* [responsibilities] *responsibility* to faithfully, efficiently, and effectively administer any legislative purpose of the state. Program reviews for the purpose of this section shall be an examination of [agency] *state or local government* programs to ascertain whether or not such programs continue to serve their intended purposes, are conducted in an efficient and effective manner, or require modification or elimination: PROVIDED, That nothing in this section shall limit the power or duty of the state auditor to report to the legislature as directed by subsection (3) of RCW 43.88.160 as [amended by this 1971 amendatory act] *now or hereafter amended*. The authority in this section conferred excludes a like authority in the state auditor.

The legislative budget committee shall receive a copy of each report of examination issued by the state auditor under RCW 43.09.310, shall review all such reports, and shall make such recommendations to the legislature and to the state auditor as it deems appropriate.

Sec. 16. Section 6, chapter 43, Laws of 1951 and RCW 44.28.100 are each amended to read as follows:

The committee shall have the power to make reports from time to time to the members of the legislature [, to the legislative council,] and to the public with respect to any of its findings or recommendations. The committee shall keep complete minutes of its meetings. The committee shall make and distribute its final report to the members of the ensuing legislature at least ten days prior to the convening of the legislature.

Sec. 17. Section 11, chapter 43, Laws of 1951 as amended by section 9, chapter 206, Laws of 1955 and RCW 44.28.140 are each amended to read as follows:

The committee is hereby authorized and empowered to appoint an officer to be known as the legislative auditor, and to fix his compensation, who shall be the executive officer of the committee and assist in its duties and shall compile information for the committee. The committee is hereby authorized and empowered to select and employ other clerical, legal, accounting, research and other personnel that it may deem desirable in the performance of its duties, and the compensation and salaries shall be fixed by the legislative budget committee.

The duties of the legislative auditor shall be as follows:

(1) To ascertain the facts and make recommendations to the committee and under their direction to the committees of the state legislature concerning

(a) [state budget;

(b)] revenues and expenditures of the state; and

[(c)] (b) the organization and functions of the state, its departments, subdivisions and agencies.

(2) To assist the [appropriations] *several standing* committees of the house and senate [, respectively,] in consideration of [the budget and all bills carrying express or implied appropriations and all] legislation affecting state departments and their efficiency; to appear before [any] other legislative committees and to assist any other legislative committee [s] upon instruction by the legislative budget committee.

(3) To provide the legislature with information obtained under the direction of the legislative budget committee.

(4) To maintain a record of all work performed by the legislative auditor under the

direction of the legislative budget committee and to keep and make available all documents, data and reports submitted to him by any legislative committee.

Sec. 18. Section 7, chapter 43, Laws of 1951 and RCW 44.28.150 are each amended to read as follows:

The committee shall cooperate, act and function with [the legislative council] *legislative committees* and with the councils or committees of other states similar to this committee and with other interstate research organizations.

Sec. 19. Section 2, chapter 195, Laws of 1971 ex. sess. and RCW 44.40.025 are each amended to read as follows:

In addition to the powers and duties authorized in RCW 44.40.020 the committee, *the standing committees on ways and means and on transportation and utilities of the house and senate* shall, in coordination with the legislative budget committee, ascertain, study, and/or analyze all available facts and matters relating or pertaining to sources of revenue, appropriations, expenditures, and financial condition of the motor vehicle fund, and accounts thereof, the highway safety fund, and all other funds related to transportation programs of the state.

Sec. 20. Section 4, chapter 25, Laws of 1965 as last amended by section 2, chapter 91, Laws of 1971 ex. sess. and RCW 46.68.041 are each amended to read as follows:

(1) The department shall forward all funds accruing under the provisions of chapter 46.20 RCW together with a proper identifying, detailed report to the state treasurer who shall deposit such moneys to the credit of the highway safety fund except as otherwise provided in this section.

(2) One dollar of each fee collected for a temporary instruction permit shall be deposited in the driver education account in the general fund.

(3) Out of each fee of five dollars collected for a driver's license, the sum of three dollars and ten cents shall be deposited in the highway safety fund, and one dollar and ninety cents shall be deposited in the general fund[: PROVIDED, That the legislative budget committee and the legislative transportation committee are directed to jointly review methods for providing adequate financing of the state patrol and report their conclusions to the next session of the legislature commencing after January 1, 1972].

NEW SECTION. Sec. 21. The following acts or parts of acts are each hereby repealed:

(1) Section 43.79.280, chapter 8, Laws of 1965, section 3, chapter 144, Laws of 1973 and RCW 43.79.280;

(2) Section 5, chapter 43, Laws of 1951 and RCW 44.28.090;

(3) Section 2, chapter 148, Laws of 1959 and RCW 44.28.160; and

(4) Section 1, chapter 40, Laws of 1971 ex. sess. and RCW 28B.10.180.

NEW SECTION. Sec. 22. If any provision of this 1975 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 23. This 1975 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect on July 1, 1975."

Beginning on line 1 of the title with "amending" strike all material down to and including the period in line 7 and insert the following: "amending section 43.09.310, chapter 8, Laws of 1965 as amended by section 2, chapter 170, Laws of 1971 ex. sess. and RCW 43.09.310; amending section 43.62.050, chapter 8, Laws of 1965 and RCW 43.62.050; amending section 43.79.270, chapter 8, Laws of 1965 as amended by section 2, chapter 144, Laws of 1973 and RCW 43.79.270; amending section 43.88.090, chapter 8, Laws of 1965 as amended by section 6, chapter 100, Laws of 1973 1st ex. sess. and RCW 43.88.090; amending section 43.88.110, chapter 8, Laws of 1965 and RCW 43.88.110; amending section 1, chapter 263, Laws of 1971 ex. sess. and RCW 43.88.115; amending section 43.88.160, chapter 8, Laws of 1965 as last amended by section 11, chapter 40, Laws of 1975 and RCW 43.88.160; amending section 1, chapter 248, Laws of 1969 ex. sess. and RCW 43.88.195; amending section 4, chapter 41, Laws of 1967 ex. sess. as amended by section 3, chapter 17, Laws of 1973 2nd ex. sess. and RCW 43.88.205; amending section 43.88.230, chapter 8, Laws of 1965 and RCW 43.88.230;

amending section 2, chapter 43, Laws of 1951 and RCW 44.28.060; amending section 4, chapter 43, Laws of 1951 as amended by section 10, chapter 206, Laws of 1955 and RCW 44.28.080; amending section 3, chapter 170, Laws of 1971 ex. sess. and RCW 44.28.085; amending section 6, chapter 43, Laws of 1951 and RCW 44.28.100; amending section 11, chapter 43, Laws of 1951 as amended by section 9, chapter 206, Laws of 1955 and RCW 44.28.140; amending section 7, chapter 43, Laws of 1951 and RCW 44.28.150; amending section 2, chapter 195, Laws of 1971 ex. sess. and RCW 44.40.025; amending section 4, chapter 25, Laws of 1965 as last amended by section 2, chapter 91, Laws of 1971 ex. sess. and RCW 46.68.041; adding a new section to chapter 43.88 RCW; adding a new section to chapter 44.04 RCW; repealing section 1, chapter 40, Laws of 1971 ex. sess. and RCW 28B.10.180; repealing section 43.79.280, chapter 8, Laws of 1965, section 3, chapter 144, Laws of 1973 and RCW 43.79.280; repealing section 5, chapter 43, Laws of 1951 and RCW 44.28.090; repealing section 2, chapter 148, Laws of 1959 and RCW 44.28.160; declaring an emergency; and providing an effective date."

Signed by: Senators Donohue, Newschwander and Odegard; Representatives Shinpoeh, McKibbin and Flanagan.

MOTION

On motion of Senator Donohue, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference.

MOTION

On motion of Senator Lewis (Harry), the Point of Order on the House amendment to Engrossed Senate Bill No. 2341 was withdrawn.

The President declared the question before the Senate to be the motion by Senator Bottiger on May 27, 1975 that the Senate concur in the House amendment to Engrossed Senate Bill No. 2341.

The motion by Senator Bottiger failed.

MOTION

On motion of Senator Lewis (Harry), the Senate refused to concur in the House amendment to Engrossed Senate Bill No. 2341 and asks the House to recede therefrom.

MOTION

At 11:30 a.m., on motion of Senator Mardesich, the Senate recessed until 12:45 p.m.

AFTERNOON SESSION

The President called the Senate to order at 12:45 p.m.

MOTION

At 12:47 p.m., on motion of Senator Sandison, the Senate recessed until 2:00 p.m.

SECOND AFTERNOON SESSION

The President called the Senate to order at 2:00 p.m.

MESSAGES FROM THE HOUSE

May 28, 1975.

Mr. President: The House has adopted the report of the Free Conference Committee on ENGROSSED HOUSE BILL NO. 172, and has passed the bill as amended by the Free Conference Committee.

DEAN R. FOSTER, Chief Clerk.

May 28, 1975.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 763, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

May 28, 1975.

Mr. President: The Speaker has signed SUBSTITUTE HOUSE BILL NO. 788, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

May 28, 1975.

Mr. President: The Speaker has signed:

HOUSE BILL NO. 105,

HOUSE BILL NO. 171,

HOUSE BILL NO. 467,

HOUSE BILL NO. 1029, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:

SENATE JOINT RESOLUTION NO. 101.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of the House Message on Engrossed Substitute Senate Bill No. 2574.

MESSAGE FROM THE HOUSE

May 27, 1975.

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 2574, with the following amendment:

On page 1, beginning on line 21, after "industry is" strike "of paramount importance" and insert "important", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Peterson, the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 2574.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2574, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; nays, 1; absent or not voting, 6; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Clarke, Cunningham, Day, Fleming, Francis, Goltz, Grant, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Stortini, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Woody—40.

Voting nay: Senator Wilson—1.

Absent or not voting: Senators Bottiger, Donohue, Gould, Guess, Sellar, Walgren—6.

Excused: Senators Buffington, Murray—2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2574, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 2833,
SENATE BILL NO. 2957.

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 105,
HOUSE BILL NO. 171,
HOUSE BILL NO. 467,
SUBSTITUTE HOUSE BILL NO. 788,
HOUSE BILL NO. 1029.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of the House Message on Second Substitute Senate Bill No. 2241.

MESSAGE FROM THE HOUSE

May 27, 1975.

Mr. President: The House has receded from its amendments to SECOND SUBSTITUTE SENATE BILL NO. 2241, on page 3, lines 13 and 27, and passed the bill without these amendments.

DEAN R. FOSTER, Chief Clerk.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 2241, 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 Bailey, Beck, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Day, Fleming, Francis, Goltz, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Wanmaker, Washington, Wilson, Woody—44.

Absent or not voting: Senators Donohue, Gould, Walgren—3.

Excused: Senators Buffington, Murray—2.

SECOND SUBSTITUTE SENATE BILL NO. 2241, 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 Lewis (R. H. "Bob"), Senator Gould was excused.

MOTION

On motion of Senator Mardesich, the Senate resumed consideration of the House

Message on Engrossed Substitute Senate Bill No. 2737 which was previously considered on May 27, 1975. At that time, Senator Fleming moved the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 2737.

POINT OF INQUIRY

Senator Herr: "Would Senator Lewis yield to a question? You know, Senator Lewis, I have high regard for you as the minority leader and what is your opinion when we are going to go home?"

Senator Lewis (Harry): "Senator Herr, the sooner the better. As soon as we finish these concurrences, I indicated to Senator Mardesich that I would move that we go to the fifth order of business and I would ask the Senate to extend the courtesy to this side and to themselves to consider the resolution providing for a sine die this Sunday, and so as soon as Senator Mardesich has finished with the concurrences he has before him, why I would make that motion and perhaps we can answer your question then."

Senator Herr: "Thank you very much, Senator Lewis, but a further question. From this side of the aisle which I happen to sit on, the center aisle is also Democratic. I feel as you do, we have been here long enough. Of course, you attended the joint caucus with us, correct? On school funding. It looks to me that the school situation as far as I am concerned is one of the major issues that is not resolved by this session of the legislature, and as far as the majority leader is concerned—you know I can agree with Senator Mardesich on many issues—but to me the school situation is the important issue still left unresolved and I will give you my personal opinion, Senator Lewis, I want to leave as quickly as you do from here. I think each member of the Senate feels this way. We have been down here a long time, but I think this is a major issue that is holding up this session of the legislature. Would you agree to this?"

Senator Lewis (Harry): "Senator Herr, responding to your question, seriously I agree with you it is the major issue before us, as well as a number of other issues that I am sure we are all aware of that are still before us. The question has to be shifted from issues to solutions, from issues to answers, from issues to decisions. That is the job that remains for us to do and that is the job that I think we can do. We have never had better staff work. We have never had more thorough study. Our difficulty is in arriving at a decision and I hope that we can speak to that shortly."

Debate ensued.

The motion by Senator Fleming carried and the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 2737.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2737, 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 Bailey, Beck, Benitz, Bluechel, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Woody—44.

Absent or not voting: Senators Bottiger, Walgren—2.

Excused: Senators Buffington, Gould, Murray—3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2737, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of the House Message on Engrossed House Bill No. 173.

MESSAGE FROM THE HOUSE

May 26, 1975.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 173, except the following amendment:

On page 1, line 22 of the printed bill being line 23 of the engrossed bill after "to" insert "*the discipline of*" and on line 23 of the printed bill being line 24 of the engrossed bill before the period insert "*after June 30, 1976*" and asks the Senate to recede therefrom, and said bill, together with the Senate amendments thereto, are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Stortini, the Senate receded from its amendment to page 1, line 22 of the printed bill being line 23 of the engrossed bill and adhered to its position on the amendment to page 2, line 23 of the printed bill being line 24 of the engrossed bill and asks the House for a conference thereon.

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 2698.

MESSAGE FROM THE HOUSE

May 27, 1975.

Mr. President: The House refuses to concur in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 479, and asks the Senate to recede therefrom, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

Senator Francis moved that the Senate recede from the Senate amendment to Engrossed Substitute House Bill No. 479.

Debate ensued.

POINT OF INQUIRY

Senator Day: "Would Senator Marsh yield to a question? Senator Marsh, is it not true that both lawyers have a challenge relative to jurors in a case such as this, whether they be blind or not?"

Senator Marsh: "Yes, that is correct."

Senator Day: "Is there a limited number of challenges? Is there some reason that this is not applicable in this case?"

Senator Marsh: "Yes, in civil cases you are limited to three challenges and more important than that, if you challenge a handicapped juror in the presence of the other jurors, it is going to be obvious that you challenged the person because of his handicap and a lot of people identify with handicapped people, either because they have become personally acquainted over the course of serving with the individual over the term of the jury panel or because they know handicapped people in the community that they identify with, and the other jurors would tend to hold it against the attorney who had challenged the handicapped or blind juror. That would then prejudice the attorney's case for his client, so the person that really gets hurt in the end result of a challenge is the client and this makes it difficult for the client to have a fair and impartial trial. Now it seems to me the proper procedure is some procedure out of the presence of the other jurors and that is what the amendment speaks to, a pretrial procedure out of the presence of jurors

so you would get away from that prejudicial effect of challenging a handicapped juror unless it is necessary to do so."

POINT OF INQUIRY

Senator Rasmussen: "Senator Marsh, would you yield to a question? How many people are on the jury ordinarily?"

Senator Marsh: "Twelve."

Senator Rasmussen: "And of the twelve, how many would you expect percentage-wise could be blind?"

Senator Marsh: "There is no way of answering that question. There is no way of knowing how many blind jurors might be pulled, because jurors are selected by lots. The point is, if one is on the jury panel and if you are stuck with the choice of challenging that juror or keeping him on, you are handicapped in your presentation of your case on behalf of your client. If you challenge him, you tend to incur the prejudice of the other jurors who resent your challenging. If you do not challenge him, then your client wonders whether or not that handicapped blind juror properly evaluated the case, whether he could properly handle the evidence. There is no way that the blind juror can see the demonstrative evidence, or if it happens to be a condemnation case where he goes out and takes a view of the land, there is no way the blind juror can view the land. A blind judge is in a different role. He is evaluating the law and he is ruling on the law and in that situation, Senator, he can have an assistant who can translate the law into braille, the written word into braille but no one else can do that for a blind juror in terms of the evidence."

Senator Rasmussen: "Thank you, Senator Marsh. I only wanted to know how many people were on the jury but that was a rather full explanation."

Further debate ensued.

POINT OF INQUIRY

Senator Van Hollebeke: "Would Senator Marsh yield to a question? I have a couple of questions, Senator Marsh. In your opinion, would a trial with one or more blind jurors tend to be conducted differently from a trial without any blind jurors participating?"

Senator Marsh: "Yes."

Senator Van Hollebeke: "How do you think it would differ?"

Senator Marsh: "Senator, you would have to describe the demonstrative evidence and work to have the written testimony read in court. Normally in court, when a document is introduced it is not read. It is said that the document speaks for itself, but if you have a blind juror there who cannot read it, then obviously you are going to have to have it read or put into braille. Now that is going to take time. It is going to extend the length of trials, but more important than that, there are other types of evidence that need to be evaluated, photographs, fingerprints, any number of things, jury views, there is just no way that a blind juror can handle those kinds of things."

Senator Van Hollebeke: "Thank you."

Further debate ensued.

The motion by Senator Francis carried and the Senate receded from its amendment to Engrossed Substitute House Bill No. 479.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 479, without the Senate amendment, and the bill passed the Senate by the following vote: Yeas, 39; nays, 7; absent or not voting, 1; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Jolly, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Matson, McDermott, Morrison, Newschwander, North, Odegard, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—39.

Voting nay: Senators Bottiger, Clarke, Herr, Jones, Mardesich, Marsh, Van Hollebeke—7.

Absent or not voting: Senator Peterson—1.

Excused: Senators Buffington, Murray—2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 479, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of the House Message on Substitute House Bill No. 693.

MESSAGE FROM THE HOUSE

May 27, 1975.

Mr. President: The House refuses to concur in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 693, and asks the Senate to recede therefrom, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

Senator Fleming moved that the Senate recede from the Senate amendment to Substitute House Bill No. 693.

Debate ensued.

The motion by Senator Fleming failed on a rising vote.

MOTION

On motion of Senator Marsh, the Senate adhered to its position on Substitute House Bill No. 693, and asks the House to concur therewith.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of the House Message on Engrossed House Bill No. 774.

MESSAGE FROM THE HOUSE

May 27, 1975.

Mr. President: The House refuses to concur in the Senate amendment to ENGROSSED HOUSE BILL NO. 774, and asks the Senate to recede therefrom, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Day, the Senate insisted on its position on the Senate amendment to Engrossed House Bill No. 774, and asks the House for a conference thereon.

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

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of the Conference Committee report on Engrossed Substitute House Bill No. 47.

REPORT OF CONFERENCE COMMITTEE

May 28, 1975.

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SUB-

STITUTE HOUSE BILL NO. 47, broadening definition of urban areas eligible for urban arterial funds have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference in order to adopt the following amendments in lieu of the Senate amendments on page 1, line 10 and on page 1, line 12:

On page 1, line 10 of the engrossed bill, after "approval of" strike "the federal department of the secretary of transportation" and insert "the secretary of the United States department of transportation".

On page 1, line 13, of the printed bill beginning with "as determined" strike all material down to and including "management" on line 14.

Signed by: Senators Bottiger, Walgren and Bluechel; Representatives North, Hansen and Gilleland.

MOTION

On motion of Senator Bottiger, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of the Conference Committee report on Engrossed House Bill No. 205.

REPORT OF CONFERENCE COMMITTEE

May 28, 1975.

Mr. Speaker:

Mr. President:

We, of your Conference Committee, to whom was referred ENGROSSED HOUSE BILL NO. 205, redesignating intermediate school districts with their attendant boards and officials, as educational service districts, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference in order to make the following changes:

That the Senate Amendment to page 107, line 33, be adopted; that the three Senate amendments to page 11 not be adopted; and, that the following amendments be adopted in lieu thereof:

On page 11, line 9, after "in the" strike "number and" and insert "[number and]".

On page 11, following line 18, insert a new paragraph to read as follows:

"Consistent with the purposes of RCW 28A.21.010 the state board may recommend at any time it deems advisable or upon petition of any educational service district board changes in the number of educational service districts including a proposed equitable adjustment and transfer of the property, assets and liabilities among the educational service districts involved. Prior to recommending changes in the number of educational service districts, the duties and responsibilities of which may be increased or decreased by such proposed changes, the state board shall hold at least one public hearing on such proposed change and shall consider any recommendations thereon: PROVIDED, HOWEVER, That changes in the number of educational service districts shall not be made except with the express approval of the legislature."

Signed by: Senators Odegaard, Gould and Stortini; Representatives Bauer, Erickson and Eikenberry.

MOTION

Senator Odegaard moved that the report of the Conference Committee be adopted and the committee be granted the powers of Free Conference.

PARLIAMENTARY INQUIRY

Senator Bailey: "I have a lot of papers on my desk and I want to ask this of the Chair. What is meant in the motion that the report of the conference committee be

adopted and that we give the powers of free conference? It sounds to me like we are adopting the conference committee report and then they are asking for the powers of free conference to consider this report. I am just curious to know what we are doing. I am saying, we are giving them the power of free conference. Would it not be proper to have the motion, 'I move that the committee be given the powers of free conference,' and then they submit the report later? How can we consider the report of the conference here until we have granted the power of the free conference? That is the point I am getting at. I am just curious to know. It seems like the committees have always come before and say 'We, your conference committee, find ourselves unable to agree and ask the Senate for the powers of free conference.' Just a point of inquiry. I was trying to figure it out."

REPLY BY THE PRESIDENT

The President: "Senator Bailey, perhaps Rule 9 would clarify this particular situation. Rule 9 of the Joint Rules. 'In case of failure of the conferees to agree on matters directly at issue between the two houses, a report of the items of such disagreement including new proposed items within the scope and object of the title of the bill in conference shall be made and the power of free conference may be granted to the two houses either to the same committee, or subsequent committees.'"

PARLIAMENTARY INQUIRY

Senator Bailey: "Mr. President, then will the free conference committee be confined to reporting the same thing back?"

REPLY BY THE PRESIDENT

The President: "Basically that is correct, Senator. There may be some slight changes."

PARLIAMENTARY INQUIRY

Senator Bailey: "The question I probably want to ask then is, if we vote to adopt the report of the conference committee, as we have just done, are we then on record as supporting this measure?"

REPLY BY THE PRESIDENT

The President: "Not necessarily, Senator Bailey. Actually, all that is being done today or at this particular instance is the granting of free conference powers. Essentially all that they can perform is what is in the report."

REMARKS BY SENATOR BAILEY

Senator Bailey: "Mr. President, then I would submit that the proper motion should better be that we accept—not that we approve the report of this conference committee but that we grant the powers of free conference for the consideration as given on their report, because I think what we are doing here, we are approving before we ever give the power of free conference and we are really binding the free conference committee to certain specifics and the purpose of it was to give us due notice on our desks."

REPLY BY THE PRESIDENT

The President: "Senator Bailey, that was the purpose of the Joint Rule, to stop the practice of hanging various other items onto certain bills."

REMARKS BY SENATOR MARDESICH

Senator Mardesich: "As I recall that change, however, it would seem to me that the request for the free conference committee need not set out the exact wordage but rather the issue and that could be in general terms, rather than setting out the amendment verbatim."

REPLY BY THE PRESIDENT

The President: "That is what the President read, Senator. It is well written in the rule, 'to agree on matters directly at issue between the two houses.'"

PARLIAMENTARY INQUIRY

Senator Mardesich: "So this procedure need not necessarily be followed in this manner. They could set out the issue, which is a different . . . Am I correct, Mr. President?"

REPLY BY THE PRESIDENT

The President: "Yes, the President believes so, Senator."

The motion by Senator Odegaard carried and the Conference Committee on Engrossed House Bill No. 205 was granted the powers of Free Conference.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of the House Message on House Bill No. 796.

MESSAGE FROM THE HOUSE

May 26, 1975.

Mr. President: The House concurs in the Senate amendments to HOUSE BILL NO. 796 to page 1, line 9, line 15 after "account" but refuses to concur in the Senate amendments to page 1, line 10, lines 9, 15 and 16 strike "trust" and line 21; and asks the Senate to recede therefrom, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

Senator Francis moved the Senate do recede from its amendments to page 1, lines 9, 15 and 16 and page 1, line 21 and adhere to its position on the Senate amendment to page 1, line 10 and again asks the House to concur therein.

Debate ensued.

POINT OF INQUIRY

Senator Clarke: "One question, Senator Francis, that I am not clear about, before we vote on this motion. This amendment which would in effect remove from the entire section all dwellings under four, my recollection was that we had some question in committee as to whether that would not in effect substantively change the entire act with respect to those dwellings under four. Now my recollection may be incorrect but I would appreciate your advice on that particular point; that is, whether we are not here referring not only to the trust accounts but doing something to the main exemption of dwellings under four."

Senator Francis: "Senator Clarke, I do not think we are changing the entire act. It says 'nothing in this section shall apply to landlords of less than four units,' and that section deals only with the requirement to set up a trust account for rental deposits so I do not think that it would exempt those under four from the entire act, but it does exempt them from any requirement to set up a trust account for the deposits which certainly could be argued changes the scope of the original bill."

The motion by Senator Francis carried. The Senate receded from the Senate amendments except to page 1, line 10 and again asks the House to concur therein.

MOTION

On motion of Senator Mardesich, the Senate resumed consideration of the House Message on Engrossed Senate Bill No. 2381. On May 27, 1975, a Point of Order was raised by Senator Lewis (R. H. "Bob") on the House amendments to Engrossed Senate Bill No. 2381.

PARLIAMENTARY INQUIRY

Senator Lewis (R. H. "Bob"): "There is pending, of course, a question of scope and object. It has been suggested that if I were to withdraw my scope and object question, challenge, that we could then ask the House to recede therefrom and if they do not choose to recede therefrom and send the bill back to us, my question is, would my challenge of scope and object then be timely and would I be able to raise that question?"

REPLY BY THE PRESIDENT

The President: "The President, in answer to your inquiry, Senator Lewis, would suggest that if you wish to maintain your point that you do so at least for the present time because the President is still mulling that over, what the proper answer to your inquiry would be."

PARLIAMENTARY INQUIRY

Senator Lewis (R. H. "Bob"): "I want to see if I understand, sir. If it goes to the House and comes back, it is your thought that my scope and object challenge at that time would then be timely?"

REPLY BY THE PRESIDENT

The President: "It might be untimely."
Debate ensued.

MOTION

On motion of Senator Mardesich, Engrossed Senate Bill No. 2381, together with the House Message, was ordered held for further consideration on Thursday, May 29, 1975.

MOTION

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

INTRODUCTION AND FIRST READING

SENATE CONCURRENT RESOLUTION NO. 116, by Senators Lewis (Harry), Matson, Newschwander, Clarke, Scott and Lewis (R. H. "Bob"):

Prescribing date for legislature to adjourn sine die.

There being no objection, the rules were suspended and additional sponsors were permitted on Senate Concurrent Resolution No. 116.

MOTIONS

On motion of Senator Lewis (Harry), the rules were suspended and Senate Concurrent Resolution No. 116 was advanced to second reading and read the second time in full.

Senator Pullen moved adoption of the following amendment:

On page 1, beginning on line 18, strike "and no apparent reason appears for this lack of action on the part of the Senate Democratic majority".

Debate ensued.

POINT OF INQUIRY

Senator Walgren: "Will Senator Rasmussen yield please? Senator Rasmussen, I know that we are all concerned about children of tender years. How old is your youngest?"

Senator Rasmussen: "I have not been home lately to count."

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

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

On page 1, line 28, after "June 1," insert "1975,".

MOTION

Senator Lewis (Harry) moved the rules be suspended and Engrossed Senate Concurrent Resolution No. 116 be advanced to third reading, the second reading considered the third, and the resolution be placed on final passage.

Senator Newschwander demanded a roll call and the demand was sustained by Senators Washington, Jones, Rasmussen, Cunningham, Washington, Bailey, Guess, North and Pullen.

PARLIAMENTARY INQUIRY

Senator Bailey: "Two-thirds vote to suspend the rules to advance? You made the motion to advance. Mr. President, I submit that that is the proper motion: 'I move that the rules be suspended, that Senate Resolution so and so be advanced from second reading.' You have to. You cannot . . ."

REPLY BY THE PRESIDENT

The President: "Senator Bailey, the President recalls vividly one other occasion when this question came up and it was decided, inasmuch as Rule 59 says that 'every bill shall be read on three separate days unless the Senate deems it expedient to suspend this rule; provided however, that after the forty-ninth day of every regular session this rule may be suspended by a majority vote,' but inasmuch as this is not the regular session a two-thirds vote will be required."

REMARKS BY SENATOR HARRY LEWIS

Senator Lewis (Harry): "Mr. President, I agree that you made the right ruling and I would like to compliment you on it. I just have a great difficulty telling the difference between regular sessions and special sessions."

The President declared the question before the Senate to be the motion by Senator Lewis (Harry) that the rules be suspended and Engrossed Senate Concurrent Resolution 116 be advanced to third reading, the second reading considered the third, and the resolution be placed on final passage.

ROLL CALL

The Secretary called the roll and the motion by Senator Lewis (Harry) failed by the following vote: Yeas, 17; nays, 30; excused, 2.

Voting yea: Senators Benitz, Bluechel, Clarke, Cunningham, Gould, Guess, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Matson, Morrison, Newschwander, North, Pullen, Scott, Sellar, Wanamaker—17.

Voting nay: Senators Bailey, Beck, Bottiger, Day, Donohue, Fleming, Francis, Goltz, Grant, Henry, Herr, Jolly, Keefe, Knoblauch, Mardesich, Marsh, McDermott, Odegard, Peterson, Rasmussen, Ridder, Sandison, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Woody—30.

Excused: Senators Buffington, Murray—2.

Senate Concurrent Resolution No. 116 was passed to third reading.

INTRODUCTION AND FIRST READING

ENGROSSED HOUSE BILL NO. 12, by Representatives Conner, Hendricks, Gaines, Bauer, Bausch, Bender, Ceccarelli, Fortson, Gallagher, Hurley (George), Kalich, Martinis, McCormick, North, Parker, Sherman, Smith (Edward), Smith (Rick), Valle, Moreau, Clemente, Cochrane, Savage, Kilbury, Haussler, Knowles, May, Barnes, Laughlin, Schumaker and Deccio (by State Treasurer request):

Changing Viet Nam veterans' bonus laws.

Referred to Committee on State Government.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1162, by Committee on Ways and Means (originally sponsored by Representatives Shinpoch and Bagnariol):

Adopting a supplemental budget.

Referred to Committee on Ways and Means.

MOTION

On motion of Senator Mardesich, the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

May 23, 1975.

Mr. President: The House refuses to recede from House amendments to SENATE BILL NO. 2106, and once again asks the Senate to concur thereon, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

Senator Walgren moved that the Senate insist on its position on Senate Bill No. 2106 and ask for a Conference thereon.

Debate ensued.

POINT OF INQUIRY

Senator Lewis (Harry): "Would Senator Walgren yield? Senator Walgren, I have asked Senator Guess and Senator Cunningham if they were willing to accept these amendments. I wonder, could you tell us what the problem is? I do not understand it. I would like to be sure."

Senator Walgren: "We are talking here about the life cycle analysis for major facilities in construction projects that are contemplated by the state in public buildings. One of the amendments here on page 2, line 6, indicates that if there are any additions or repairs within a twelve-month period which exceed fifty percent of the value, that would seriously, it seems to me, restrict our situation as it relates to energy conservation, because I think we should be concerned about buildings of less size or less cost than any fifty percent, and I think that that is a poor position for the House to take and it is one that we should insist upon here in the Senate if we are really sincere about trying to be concerned about energy conservation."

POINT OF INQUIRY

Senator Guess: "Will Senator Walgren yield? Senator Walgren, as I see the amendment, particularly the second one, it says that you change the word 'revision' to mean repairs—'alterations, additions to a major facility within any twelve-month period which exceeds fifty percent of the value of the major facility.' Now as I understand then, this means that if you are going to go in and make a major overhaul of a building and you are going to need additional glazing in it, you will go ahead and assume the cost at that time of putting in new sash and doing the extra glazing that is going to be necessary. If you have to go into the ceiling, it usually is the public institution or the public building, it is rather easy to get into the attic because of the crawl spaces up there and add the additional insulation in the thing. It seems to me the way I read the history of insulation and building rehabilitation, that you really are going to save the money and the energy over a period of time. Now, in certain instances you will save the cost of the insulation in about nine years. For instance, on double glazing you will save the price of the double glazing in a period of about twelve years, so I am not adverse to saving the money and especially as we get down the years—it is on page 133 in the House bill book, I mean the Senate bill number one. We should do those necessary things for rehabilitation of our public buildings. I can remember those out at Lakeland Village where, because they have not maintained the buildings, they have had to move out of some of them, board them up, and they become a problem. At Eastern Washington State Hospital there are a number of buildings that are obsolete, that have not been kept up, and had we had this law on the books at that time those buildings would have been maintained on a fairly regular basis when you go in to make a major rehabilitation; so I believe that in the long run this would be a savings to the state rather than a cost, so it was my idea and Senator Cunningham's that we would concur with the House amendment."

Senator Walgren: "Senator Guess, of course I think you make a good argument with regard to that. I had a question also with regard to that first amendment, with regard to adding the words 'planned and' before the word 'constructed' and of course you and I know that as to plans, we have a lot of projects here in the state that have been on

the planning boards for some period of time and I just wonder whether or not that particular amendment is a proper one to have in there."

Senator Guess: "Senator, if you go into section 1, I think that during the design phase of anything that is built after this bill goes into effect, you are going to automatically build in the life cycle cost into that, I believe that the testimony before our committee was that there will develop within the engineering field a body of expertise or a group of people who have the expertise and that this will be done by an engineering firm that specializes in the life cycle cost, so when you say 'planned and constructed' you have already provided for it in the design phase and so you will have accomplished that, in relation to section 2, you will have accomplished it in the design phase of section 1."

There being no objection, the motion by Senator Walgren was withdrawn.

MOTION

On motion of Senator Guess, the Senate concurred in the House amendments to Senate Bill No. 2106.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2106, 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 Bailey, Beck, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Day, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—45.

Voting nay: Senator Fleming—1.

Absent or not voting: Senator Donohue—1.

Excused: Senators Buffington, Murray—2.

SENATE BILL NO. 2106, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Mardesich, the Senate advanced to the sixth order of business.

MOTION

On motion of Senator Knoblauch, Senator Donohue was excused.

SECOND READING

ENGROSSED HOUSE BILL NO. 49, by Representatives Adams, Savage and Parker (by request of Committee on Social and Health Services of the Forty-third Legislature):

Making changes in the law relating to civil commitment and suicide.

REPORT OF STANDING COMMITTEE

May 7, 1975.

ENGROSSED HOUSE BILL NO. 49, making changes in the law relating to civil commitment and suicide (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 1 of the engrossed bill, being page 2, line 1 of the printed bill, before "Section 1." insert a new section as follows:

"Section 1. Section 7, chapter 142, Laws of 1973 1st ex. sess., and RCW 71.05.020 are each amended to read as follows:

For purposes of this chapter:

(1) "Gravely disabled" means a condition in which a person, as a result of a mental disorder, is in danger of serious physical harm resulting from a failure to provide for his essential human needs; *or in which as a result of a mental disorder a person's judgment is so impaired that he is incapable of realizing, and making a rational decision with respect to, the need for essential care and presents a likelihood of serious harm to himself, or any other person, or to property;*

(2) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on an individual's cognitive or volitional functions;

[(3) "Likelihood of serious harm" means either (a) a substantial risk that physical harm will be inflicted by an individual upon his own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on one's self, or (b) a substantial risk that physical harm will be inflicted by an individual upon another, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm;]

(3) "*Likelihood of serious harm*" means either (a) a substantial risk that physical harm will be inflicted by an individual upon his own person, or (b) a substantial risk that physical harm will be inflicted by an individual upon another;

(4) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

(5) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter;

(6) "Public agency" means any evaluation and treatment facility of, or operated directly by, federal, state, county, or municipal government, or a combination of such governments;

(7) "Private agency" means any person, partnership, corporation, or association not defined as a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility;

(8) "Attending staff" means any person on the staff of public or private agency having responsibility for the care and treatment of a patient;

(9) "Department" means the department of social and health services of the state of Washington;

(10) "Secretary" means the secretary of the department of social and health services, or his designee;

(11) "Mental health professional" means a psychiatrist, psychologist, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules and regulations adopted by the secretary pursuant to the provisions of this chapter;

(12) "Professional person" shall mean a mental health professional, as above defined, and shall also mean a physician, registered nurse, and such others as may be defined by rules and regulations adopted by the secretary pursuant to the provisions of this chapter;

(13) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association;

(14) "Psychologist" means a person with an earned graduate degree in psychology or a graduate degree deemed its equivalent under rules and regulations adopted by the secretary or who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

(15) "Social worker" means a person with a master's or further advanced degree from an accredited school of social work or a degree from a graduate school deemed equivalent under rules and regulations adopted by the secretary;

(16) "Evaluation and treatment facility" means any facility which can provide directly, or by direct arrangement with other public or private agencies, emergency evalu-

ation and treatment, outpatient care, and short term inpatient care to persons suffering from a mental disorder, and which is certified as such by the department of social and health services: PROVIDED, That a physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility: PROVIDED FURTHER, That a facility which is part of, or operated by, the department of social and health services or any federal agency will not require certification: AND PROVIDED FURTHER, That no correctional institution or facility, or jail, shall be an evaluation and treatment facility within the meaning of this chapter [.] ;

(17) "Threaten" means to indicate by words, orally or in writing, or conduct, the intent to accomplish a result."

And renumber the remaining sections consecutively.

On page 7, line 25 of the engrossed bill, being page 7, line 25 of the printed bill, after ".240." insert a new section as follows:

"Sec. 6. Section 33, chapter 142, Laws of 1973 1st ex. sess. as amended by section 19, chapter 145, Laws of 1974 1st ex. sess., and RCW 71.05.280 are each amended to read as follows:

At the expiration of the fourteen day period of intensive treatment, a person may be confined for further treatment pursuant to RCW 71.05.320 for an additional period, not to exceed ninety days if:

(1) Such person has threatened, attempted, or inflicted physical harm upon the person of another or himself [after having been taken into custody for evaluation and treatment,] and, as a result of mental disorder presents a likelihood of serious harm to others or himself; or

(2) Such a person was taken into custody as a result of conduct in which he attempted or inflicted physical harm upon the person of another or himself, and continues to present, as a result of mental disorder, a likelihood of serious harm to others or himself; or]

(3)] (2) Such person is in custody because he has committed acts constituting a felony, and as a result of a mental disorder, presents a substantial likelihood of repeating similar acts. In any proceeding pursuant to this subsection it shall not be necessary to show intent, wilfulness, or state of mind as an element of the felony; or

(4)] (3) Such person is gravely disabled.

For the purposes of this chapter "custody" shall mean involuntary detention under the provisions of this chapter or chapter 10.75 RCW, uninterrupted by any period of unconditional release from a facility providing involuntary care and treatment."

And renumber the remaining sections consecutively.

On page 10, line 25 of the engrossed bill, being page 10, line 25 of the printed bill, after "he" insert "threatened,".

On page 13, line 5 of the engrossed bill, being page 13, line 11 of the printed bill, after "maintained" and before the period insert ": PROVIDED HOWEVER, That in the event the said person has escaped from custody, said notice prior to disclosure is not necessary and that the facility from which the person escaped shall include an evaluation as to whether the person is of danger to persons or property and has a propensity toward violence".

In line 1 of the title, after "suicide;" insert "amending section 33, chapter 142, Laws of 1973 1st ex. sess. as amended by section 19, chapter 145, Laws of 1974 1st ex. sess. and RCW 71.05.280;".

In line 10 of the title, after "71.05.210;" insert "amending section 33, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.020;".

Signed by: Senators Day, Chairman; von Reichbauer, Vice Chairman; Buffington, Cunningham, Francis, Gould, Ridder.

The bill was read the second time by sections.

On motion of Senator Day, the committee amendments to pages 2 and 13 were adopted.

On motion of Senator Day, the committee amendments to pages 7 and 10 were not adopted.

Senator Rasmussen moved adoption of the following amendment:

On page 11, on line 19 of the original printed bill insert a new section to read as follows:

"Sec. 10. Section 42, chapter 142, Laws of 1973 1st ex. sess. as amended by section 26, chapter 145, Laws of 1974 ex. sess. and RCW 71.05.370 are each amended to read as follows:

Insofar as danger to the individual or others is not created, each person involuntarily detained, treated in a less restrictive alternative course of treatment, or committed for treatment and evaluation pursuant to this chapter shall have, in addition to other rights not specifically withheld by law, the following rights, a list of which shall be prominently posted in all facilities, institutions, and hospitals providing such services:

(1) To wear his own clothes and to keep and use his own personal possessions, except when deprivation of same is essential to protect the safety of the resident or other persons;

(2) To keep and be allowed to spend a reasonable sum of his own money for canten expenses and small purchases;

(3) To have access to individual storage space for his private use;

(4) To have visitors at reasonable times;

(5) To have reasonable access to a telephone, both to make and receive confidential calls;

(6) To have ready access to letter writing materials, including stamps, and to send and receive uncensored correspondence through the mails;

(7) Not to consent to the performance of shock treatment or surgery, except emergency life-saving surgery or *shock treatment*, upon him, and not to have *nonemergency* shock treatment or nonemergency surgery in such circumstance [unless ordered by a court pursuant to a judicial hearing in which the person is present and represented by counsel, and the court shall appoint a psychiatrist, psychologist, or physician designated by such person or his counsel to testify on behalf of such person];

(8) To dispose of property and sign contracts unless such person has been adjudicated an incompetent in a court proceeding directed to that particular issue;

(9) Not to have psychosurgery performed on him under any circumstances."

Remember the remaining sections consecutively and change internal references accordingly.

POINT OF INQUIRY

Senator Rasmussen: "Would Senator McDermott yield to a question? Senator McDermott, is it your contention that electric shock treatment does good for the individual?"

Senator McDermott: "I would say that it has been used effectively in certain specific kinds of conditions. Like many of these, as I have said before, in medicine, when it first came into existence it was used for practically everything because people were baffled by mental illness. It was developed in 1927 or '28 and was used extensively. Prior to that they had used diabetic coma, and electric shock was much better because it was quicker. It did not cause people to gain weight. People used it for a lot of things where it has turned out that it was inappropriate. There are certain selected cases where it does work. In my career, for instance, I have only used it maybe ten times but those times the indications were that, it was lifesaving. I think in those instances it is useful."

Senator Rasmussen: "Thank you, Senator McDermott."

There being no objection, the amendment by Senator Rasmussen was withdrawn.

Senator Pullen moved adoption of the following amendment:

On page 11, line 18 after "length," insert a new section to read as follows:

"Sec. 10. Section 42, chapter 142, Laws of 1973 1st ex. sess. as amended by section 26, chapter 145, Laws of 1974 1st ex. sess and RCW 71.05.370 are each amended to read as follows:

Insofar as danger to the individual or others is not created, each person [involuntarily] detained, *whether voluntarily or involuntarily, pursuant to this chapter*, treated in a less restrictive alternative course of treatment, or committed for treatment and evaluation pursuant to this chapter shall have, in addition to other rights not specifically with-

held by law, the following rights, a list of which shall be prominently posted in all facilities, institutions, and hospitals providing such services:

(1) To wear his own clothes and to keep and use his own personal possessions, except when deprivation of same is essential to protect the safety of the resident or other persons;

(2) To keep and be allowed to spend a reasonable sum of his own money for canteen expenses and small purchases;

(3) To have access to individual storage space for his private use;

(4) To have visitors at reasonable times;

(5) To have reasonable access to a telephone, both to make and receive confidential calls;

(6) To have ready access to letter writing materials, including stamps, and to send and receive uncensored correspondence through the mails;

(7) [Not to consent to the performance of shock treatment or surgery, except emergency life saving surgery, upon him, and not to have shock treatment or nonemergency surgery in such circumstance unless ordered by a court pursuant to a judicial hearing in which the person is present and represented by counsel, and the court shall appoint a psychiatrist, psychologist, or physician designated by such person or his counsel to testify on behalf of such person;] *Not to have psychiatric shock therapy unless ordered by a court pursuant to a judicial hearing in which the person is present and represented by counsel, and the court shall appoint a psychiatrist, psychologist, or physician designated by such person or his counsel to testify on behalf of such person;*

(8) *Not to consent to the performance of surgery, except life-saving surgery, unless ordered by a court pursuant to a judicial hearing in which the person is present and represented by counsel, and the court shall appoint a psychiatrist, psychologist, or physician designated by such person or his counsel to testify on behalf of such person: PROVIDED, That nothing in this section shall be construed to require prior court authorization for life saving medical procedures.*

[8] (9) To dispose of property and sign contracts unless such person has been adjudicated an incompetent in a court proceeding directed to that particular issue;

[9] (10) Not to have psychosurgery performed on him under any circumstances."

Renumber remaining sections accordingly.

Debate ensued.

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

Senator North moved adoption of the following amendment:

On page 17 after section 13 add a new section as follows:

"*NEW SECTION.* Sec. 14. Sections 2 through 13 of this act shall not take effect on July 1, 1977."

Debate ensued.

POINT OF INQUIRY

Senator Odegard: "Would Senator North yield to a question? Senator North, in reading your amendment where it would put off until July 1, 1977, sections 1 through 13, does that in effect then mean that the total involuntary treatment act with these amendments would be delayed that long or what is it exactly that would be delayed until '77?"

Senator North: "No, Senator Odegard, your present existing statute, if you will notice—there is a great deal of it here, that goes right on, and this has no effect. The only part that would be delayed is the expanded definition of the gravely disabled, meaning that you will be taking on treatment of many more people than you have and that is all that the intent and the purpose of the amendment is, the expansion of the duties."

The motion by Senator North failed and the amendment was not adopted on a rising vote.

On motion of Senator Day, the committee amendment to page 1 of the title was not adopted.

On motion of Senator Day, the committee amendment to page 10 of the title was adopted.

On motion of Senator Day, the rules were suspended, Engrossed House Bill No. 49, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Bailey: "Would Senator Day yield? Senator Day, in the digest of this bill it states that information relative to these commitments is strictly limited to, as far as law enforcement and those people are concerned. Do you recall an emergency bill we passed last session that tried to correct the fact that members of the immediate family could not even get information on a person that was committed? Now does this in any way repeal that section?"

Senator Day: "No, it does not. It merely adds a proviso that in the event the said person has escaped from custody, said notice prior to disclosure is not necessary. In other words, they do not have to give a notice prior to disclosure, and that the facility from which the person escaped shall include an evaluation as to whether the person is a danger to persons or property and has a propensity towards violence. In other words, what we have had is a situation where two or three days after the person left they would get a notice in Tacoma that the man had walked away or something. He may have been a voluntary or involuntary commit but the point is that now they can include on that something strictly to law enforcement that gives an indication of whether the person is a danger to persons or property. He could be an arsonist, for example, relative to property. So this will aid law enforcement in knowing how intense their search should be for someone that has escaped from a mental institution."

Senator Bailey: "Mr. President, another question. For the record, Senator Day, maybe yes or no, is it the intent of this bill or do we in any way in this bill intend to stop information on the condition of the patient from going to the members of the immediate family?"

Senator Day: "No, it is not."

Debate ensued.

POINT OF INQUIRY

Senator Odegaard: "Would Senator Day yield? Senator Day, in our digest it says this bill would allow juveniles to be transferred from correctional to mental institutions. Is it stipulated in the bill that that is a permissive kind of thing and not a mandate in any way?"

Senator Day: "Yes, if you will turn to new section, section 12, it says, 'when in the judgment of the Department of Social and Health Services the welfare of any person committed or confined in any state juvenile correctional institution or facility necessitates that such person be transferred or moved for observation, diagnosis or treatment . . . in other words, it is a judgmental thing which merely facilitates the department doing what they have to do sometimes when a juvenile is involved.'"

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 49, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 28; nays, 18; absent or not voting, 1; excused, 2.

Voting yea: Senators Bailey, Beck, Bluechel, Bottiger, Buffington, Clarke, Day, Francis, Gould, Guess, Herr, Jolly, Keefe, Knoblauch, Lewis (R. H. "Bob"), Marsh, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Woody—28.

Voting nay: Senators Benitz, Cunningham, Fleming, Goltz, Grant, Henry, Jones, Lewis (Harry), Matson, McDermott, Morrison, Newschwander, North, Pullen, Scott, Sellar, Wanamaker, Wilson—18.

Absent or not voting: Senator Mardesich—1.

Excused: Senators Donohue, Murray—2.

ENGROSSED HOUSE BILL NO. 49, 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 House Bill No. 49, as amended by the Senate, was ordered immediately transmitted to the House.

SIGNED BY THE PRESIDENT

The President signed:

SECOND SUBSTITUTE SENATE BILL NO. 2241,
SUBSTITUTE SENATE BILL NO. 2574,
SUBSTITUTE SENATE BILL NO. 2737.

SECOND READING

SUBSTITUTE SENATE BILL NO. 2500, by Committee on Labor (originally sponsored by Senators Mardesich, Matson, Lewis (R. H. "Bob"), Bailey, Gould, North and Ridder):

Enacting the education employment relations act.

The Senate resumed consideration of Substitute Senate Bill No. 2500. On May 26, 1975, Senator Bailey raised a Point of Order on the following amendment by Senator Stortini:

On page 14, after line 35, insert the following:

"(f) To recruit out-of-state for school district employees as defined in this 1975 act except as may be necessary to comply with applicable federal and state laws and rules and regulations pertaining to equal employment opportunities".

RULING BY THE PRESIDENT

The President: "The President, in ruling on the point of order as raised by Senator Bailey, determines that Senate Bill 2500 is a broad measure pertaining to labor relations between school district employees and school districts. The amendment proposed by Senator Stortini adds to the section defining unfair labor practices a provision which prohibits the recruiting of out of state personnel except under certain circumstances. The amendment does not therefore increase 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 amendment by Senator Stortini.

Senator Lewis (Harry) moved adoption of the following amendment to the amendment by Senator Stortini:

On page 1, line 1, strike "state" and insert "county".

Debate ensued.

POINT OF INQUIRY

Senator Pullen: "Would Senator Lewis yield to a question? Senator Lewis, there are some school districts in this state that are located in two counties. Would your amendment apply to both such counties or just perhaps to the one county where the school is located?"

Senator Lewis (Harry): "Senator Pullen, I have been trying to get the floor to withdraw my amendment. I presented my amendment just to indicate the ridiculousness of the Stortini amendment, which—now we no longer hitch old Dobbin and ride down to the county court house and get there in five or six hours. With Morningstar flying around the horizons and the boundaries of counties and states and even countries have become obscure, and the amendment I introduced was for the purpose of illustrating that, and I think the remarks that have been made have done a better job. With the permission of the Senate I would like to withdraw my amendment."

There being no objection, the amendment by Senator Lewis (Harry) to the amendment by Senator Stortini was withdrawn.

Senator Herr moved adoption of the following amendment to the amendment by Senator Stortini:

On line-4, after "opportunities" add "providing this subsection shall not apply in emergency situations."

POINT OF INQUIRY

Senator Bailey: "Would Senator Herr explain what his amendment does?"

Senator Herr: "It is very simple, Senator Bailey. If you would like a copy of it.

"Senator Grant, I will explain it to you, Senator Grant, whom I respect very much, except you see what this amendment will do to Senator Stortini's amendment is that in emergency purposes where they cannot recruit somebody, that they have the permission to go from without the state of Washington. Do you understand, Senator Grant?"

The motion by Senator Herr carried and the amendment to the amendment by Senator Stortini was adopted.

Further debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Stortini yield to a question? Senator, your amendment would prohibit anyone from outside of the state being hired?"

Senator Stortini: "We are talking about, Senator Rasmussen, an employer, a superintendent, a principal, which is the practice in the state of Washington, to go to the state of Texas for the sole purpose of finding new teachers for the state of Washington. It would prohibit that."

Senator Rasmussen: "It would only prohibit a superintendent or an assistant superintendent from taking a jaunt, a junket around the various states, but it would not prohibit some individual from applying for a job within the state, would it?"

Senator Stortini: "Oh, no, not at all. No, I am talking about leaving the state for the purpose of hiring certified employees for the state of Washington. It does not mean that someone from the state of Texas cannot come to the state of Washington and teach by moving in. No, no problem there at all."

Senator Rasmussen: "Thank you."

POINT OF INQUIRY

Senator Bailey: "Mr. President, I think Senator Stortini has slanted that question a little. I would like to ask him this, under your amendment, if your amendment is adopted you cannot recruit, you cannot go out to another state and recruit a new teacher. Is that right?"

Senator Stortini: "Yes, that is true."

Senator Bailey: "But does it not also imply that you cannot take a teacher from out of state?"

Senator Stortini: "If a teacher from outside the state moves into the state of Washington, you cannot restrict them from getting a job if he lives in the state of Washington."

Senator Bailey: "Mr. President, I think that this has been put out of field again. I think what we are really talking about is defeating the amendment for sure now because what you are saying, you have to move into the state and establish a residency and no teacher is going to do that unless he has a job if he is in another state, but I still submit that before we get more confused let us vote it down and have it over with."

Debate ensued.

POINT OF INQUIRY

Senator Ridder: "Would Senator Stortini yield please? In reference to the conference that Senator Guess refers to, is the out of state referring to the recruiting or to those who might be recruited? Would a superintendent, say, hiring some managerial personnel at a conference of that sort within the state be in violation of this amendment or would he not?"

Senator Stortini: "Senator Ridder, I think anyone that is with the superintendent's office and leaves the state for the sole purpose of finding teachers . . ."

Senator Ridder: "In other words, if at a conference within the state, a gathering from the region, the superintendent would not be in violation if he or she hired out of state residents and personnel at some conference as long as the superintendent himself was not out of the state—or, on the other side, if they had some personal connection with someone from out of state, then if that out of state person came to this state specifically because of a personal contact, that would not be considered recruiting, is that right? As long as that new person came to the state without being out of the state at time of recruitment, which type of recruiting is done very much in the athletic field?"

Senator Stortini: "My reference to recruitment and the purpose of my amendment to this bill was for the sole purpose, and only the sole purpose, of eliminating those governing the practice of hiring to leave the state for just that purpose, to hire; but on the other hand, if a student has graduated with a degree in education from the University of Montana, picks up and leaves and comes to the state of Washington and establishes residency, that would eliminate that person."

Senator Ridder: "I am sorry, even with your explanation, I find it a bad amendment."

MOTION

On motion of Senator Talley, the amendment by Senator Stortini, as amended, was laid upon the table.

On May 26, 1975, the following amendment by Senator Gould was moved for adoption:

On page 18, beginning on line 6, insert the following:

"**NEW SECTION.** Sec. 24. Nothing in this act shall be construed to interfere with the responsibilities and rights of the employer as specified by federal and state law, including the employer's responsibilities to students, the public, and other constituent elements of the institution. The employer shall retain all prerogatives not expressly restricted by contract."

Renumber remaining sections consecutively.

Senator Grant moved adoption of the following amendment to the amendment by Senator Gould:

Strike the last sentence of the amendment.

POINT OF INQUIRY

Senator Guess: "Would Senator Grant yield? Senator Grant, would you give me the citations of the decisions made by any of the courts in the state of Washington as dealing with this particular sentence?"

Senator Grant: "I do not have any citations on that. I am not sure that that sentence has ever been in law, Senator Guess."

Senator Guess: "Senator Grant, you said in any courts of the state of Washington."

Senator Grant: "I am sorry, I should have said state of Nevada, where they have similar language. I indicated that the other day. I said in the courts, and in other states where they have adopted the management's rights language which is general terminology as you have proposed in Senator Gould's amendment, you have had nothing but litigation on the subject."

Senator Guess: "Mr. President and members of the Senate, we have come down to the meat of the nut. There was an amendment proposed and drafted. It would have been more definitive than this and it was not introduced because of the court cases, for instance, in the state of New York, but I believe that this is truly the very basic protection to the taxpayer and it should be retained in the amendment. It should not be stricken and all it simply says is that the employer who is the elected official who is representing the taxpayer shall retain all prerogatives not expressly restricted by the contract. Now in some twenty pages or whatever the length of the bill is, we have established those things that they can negotiate on, terms and conditions in that clause, and yet those things that are retained by the employer are not expressly restricted by the contract certainly should be the prerogative of the employer to retain, so I urge the rejection of the amendment to strike."

Debate ensued.

The motion by Senator Grant carried and the amendment to the amendment by Senator Gould was adopted on a rising vote.

The motion by Senator Gould carried and the amendment, as amended, was adopted.

Senator Donohue moved adoption of the following amendment:

On page 18, line 10, after "Sec. 25." strike the remainder of the section and insert "This act shall be submitted to the people for their adoption and ratification, or rejection, at a special election hereby ordered by the legislature, which election shall be held in conjunction with the next succeeding general election to be held in this state, 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.

Senator Knoblauch demanded a roll call and the demand was sustained by Senators Talley, Sandison, Herr, Washington, Ridder, Rasmussen, Cunningham, Jones and Clarke.

The President declared the question before the Senate to be the roll call on the amendment by Senator Donohue.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 14; nays, 31; absent or not voting, 3; excused, 1.

Voting yea: Senators Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Gould, Guess, Herr, Jones, Lewis (Harry), Scott, Woody—14.

Voting nay: Senators Bailey, Beck, Bottiger, Fleming, Francis, Goltz, Grant, Henry, Jolly, Keefe, Knoblauch, Mardesich, Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson—31.

Absent or not voting: Senator Lewis (R. H. "Bob"), Sellar, Wanamaker—3.

Excused: Senator Murray—1.

On motion of Senator Sandison, the following amendments by Senators Sandison and Herr to the title were adopted:

On page 1, line 20 of the title after "RCW 28A.72.100;" delete all the material down to and including "and RCW" on line 30.

On page 2, line 1 of the title, beginning with "28B.52.060;" strike all the material down to and including "RCW 28B.52.200;"

On motion of Senator Ridder, the rules were suspended, Engrossed Substitute Senate Bill No. 2500 was advanced to third reading, the second reading considered 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. 2500, and the bill passed the Senate by the following vote: Yeas, 35; nay, 12; absent or not voting, 1; excused, 1.

Voting yea: Senators Bailey, Beck, Bottiger, Day, Fleming, Francis, Goltz, Grant, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegard, Peterson, Rasmussen, Ridder, Sandison, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Woody—35.

Voting nay: Senators Benitz, Bluechel, Buffington, Clarke, Cunningham, Donohue, Gould, Guess, Jones, Mardesich, Pullen, Scott—12.

Absent or not voting: Senator Wanamaker—1.

Excused: Senator Murray—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2500, having received the constitutional majority, was declared passed. 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 Substitute Senate Bill No. 2500 was ordered immediately transmitted to the House.

SECOND READING

SENATE BILL NO. 2263, by Senators Mardesich, Bailey, Matson, Benitz and Talley:

Providing a collective bargaining act for certain community college employees.

MOTIONS

On motion of Senator Sandison, Substitute Senate Bill No. 2263 was substituted for Senate Bill No. 2263 and the substitute bill was placed on second reading and read the second time in full.

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

On page 1, line 24, strike "community college" and insert "higher education".

On page 1, line 27, after "Washington," insert "four-year state colleges and universities,".

On page 1, line 30, after "needs of" strike "community college" and after "employment" and before the period insert "in higher education".

On page 2, line 33, after "district" insert ", four-year state college or university".

On page 4, line 4, after "amended" insert "or each board of regents of each state university, respectively, and each board of trustees of each state college, respectively".

On page 4, line 26, after "district" insert "or four-year state college or university".

POINT OF ORDER

Senator Guess: "Mr. President, I raise the question of scope and object upon the amendment."

Debate ensued.

RULING BY THE PRESIDENT

The President: "In ruling on the point of order as presented by Senator Guess, the President finds that Substitute Senate Bill No. 2263 is a measure pertaining to the labor relations at community colleges only. The proposed amendment by Senator Goltz, however, would change the measure so that the content applied not only to community colleges, but also to all institutions of higher learning, including four-year colleges and universities.

"The amendment does change the scope and object of the bill and the point of order is well taken."

The amendments by Senator Goltz were ruled out of order.

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

On page 2, line 25, after "by section" strike "4" and insert "5".

Senator Grant moved adoption of the following amendment:

On page 3, line 7, after "librarian" strike the rest of the subsection and insert a period.

Debate ensued.

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

Senator Grant moved adoption of the following amendment:

On page 3, beginning on line 17, strike all of the material down to and including the period on line 24.

Debate ensued.

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

Senator Grant moved adoption of the following amendment:

On page 4, beginning on line 18, strike all of section 4 and renumber the succeeding sections.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Will Senator Sandison yield to a question? Senator Sandison, do you have any limit on the number of students who are going to sit in on these?"

Senator Sandison: "Yes, in the bill it said 'by a student representative at meetings between the employer and exclusive bargaining representative held in good faith,' and so on, and that the president of the community college can appoint the student observer. I am sorry, the student body. Pardon me."

Senator Rasmussen: "They are only going to sit there and look?"

Senator Sandison: "They should listen and listen."

Senator Rasmussen: "Hopefully. But this is going to be in mediation sessions that they will be entitled to sit in or just in the preliminary arguments?"

Senator Sandison: "I would say in attendance at discussions, at meetings between the employer and the exclusive bargaining representative held in the course of good faith and so on."

Senator Rasmussen: "I was just wondering, Senator Sandison, you have not explained what useful purpose they would serve."

Senator Sandison: "I would assume in talking to the student representatives, what they wanted to do, of course, was to let the student body know just what was going on, what the issues were, and then let both sides know what the students felt about it."

Senator Rasmussen: "Thank you."

POINT OF INQUIRY

Senator Rasmussen: "Senator Grant, would you yield to a question? While your amendment, Senator Grant, as I understand it, would leave the bargaining to the two principals?"

Senator Grant: "That is correct."

Senator Rasmussen: "And you would have no third party interference other than if there was a possible mediator appointed?"

Senator Grant: "The act provides for some mediation, mechanically for some mediation which is different than a student observer. Incidentally, Senator Rasmussen, another argument that I should advance for not having observers is the argument against what Senator Sandison just said, is that the students very likely would report back to the student body what is occurring in negotiations, and that is a very difficult thing then to get agreement when—you know, when we are bargaining, employer and union, if you go out after each session and report to the press, which is in effect what you are doing, what your positions are, you will never get agreement."

Senator Rasmussen: "Thank you, Senator Grant."

Further debate ensued.

POINT OF INQUIRY

Senator Odegaard: "Senator Sandison, would you yield? Would the discussions, matters of concern to students, as you see it be only those items of direct concern to the students?"

Senator Sandison: "Senator Odegaard, that was the gist of the legislation and of the committee. It would be only the things where they are personally affected."

POINT OF INQUIRY

Senator Herr: "Would Senator Rasmussen yield to a question? Senator Rasmussen, you know I have high regard for you from the Twenty-ninth."

Senator Rasmussen: "I do not know of anybody on the floor you have any disregard for, Senator Herr, and I think that is very commendable."

Senator Herr: "You know, I was listening to your comments and I can agree with part of them, but the only question I would like to ask you, that I think this has to do with students' participation in negotiation where they have no voting rights but still the right to participate. Right, am I correct?"

Senator Rasmussen: "You are. You always are."

Senator Herr: "No, I am not always right, Senator Rasmussen, but I feel that we in

the legislature here have what they call an open meeting law and in the Rules Committee which I serve on with Senator Talley and many others and Senator Mardesich, the public is allowed to come in and watch how we vote but they have no vote, but at least they can see the legislature in action, but I think there is a little correlation between what the students want here in negotiation and how we operate in the legislature. Now how do you feel about the open meeting law?"

Senator Rasmussen: "My life is an open book, Senator Herr, and I hope yours is too and I am for open meetings, but, Senator Herr, I was just going to ask Senator Sandison a question which might clear the matter up a little bit in my mind and your mind."

POINT OF INQUIRY

Senator Rasmussen: "Senator Sandison, what is confusing to me, in section 4 you speak of, 'in order to show that consideration be given to student concerns about matters which become subject to negotiation,' and I do not think we have any objections to that. If it is something that the associated student body is negotiating on with the board of regents or the management there, the head of the community college, that is something, but then down in line 28, you say, 'Provided that nothing in this chapter shall be construed to permit students or their representatives to prevent or condition any written agreement reached between the employer and the exclusive bargaining representative.' That infers that you are in wage negotiations rather than something that the associated students are entitled to work on."

Senator Sandison: "First, this is not a negotiation board for the students, or negotiation law for the students. They work usually by meetings and faculty senates and so on. All this said is that if, in the event the students did decide that what was being decided was contrary to their liking, they still do not have the right to try to prevent the two sides from reaching some sort of an amiable agreement and that they should not interfere nor, as they said, have protest parades or strikes."

Senator Rasmussen: "Then I gather from what you are saying, in spite of Senator Odegaard's question, that the student representatives are allowed to sit in on any mediation hearings that are being held for any purpose."

Senator Sandison: "I point out to you line 20, 'subject to negotiations under this chapter which may affect students and their rights'."

Senator Rasmussen: "Yes, and how far does that reach?"

Senator Sandison: "That, I would presume, would be up to this commission."

Senator Rasmussen: "I still think we had better adopt the Grant amendment."

Further debate ensued.

MOTIONS

On motion of Senator Lewis (R. H. "Bob"), Senator Gould was excused.

On motion of Senator Knoblauch, Senator Stortini was excused.

Senator McDermott raised the question of a quorum.

A quorum was present.

The President declared the question before the Senate to be adoption of the amendment by Senator Grant to page 4, line 18.

The motion by Senator Grant failed and the amendment was not adopted on a rising vote.

Senator Grant moved adoption of the following amendment:

On page 5, line 11, strike "commission shall annually elect a chairman" and insert "governor shall designate one member to serve as chairman of the commission".

POINT OF INQUIRY

Senator Odegaard: "Senator Grant, would you yield? Senator Grant, is this a separate commission, other than the commission we passed in Senate Bill 2408?"

Senator Grant: "We have not passed 2408 yet, Senator Odegaard, and in each of the acts that have gone through here it provides for a single commission. Hopefully, now let me see if I can find the section for you. All I am doing with this is making it conform so far as selection of the chairman to the—this, Senator Sandison has called it to my at-

tention, the term 'commission' means education employment relations commission established by section 5, actually of this act, 'provided this legislature creates another board, commission, or division of a state agency comprehensively assuming administrative responsibilities for labor relations or collective bargaining. 'Commission' for the purpose of this act shall mean such board, commission or division as therein created.' All I am doing with my amendment, though, Senator Odegaard, is making this conform insofar as the selection of the chairman, with Substitute Senate Bill 2500 which has already passed."

Senator Odegaard: "Mr. President, with the passage of Senate Bill 2500 and then, if this bill also passes, and the amendments are accepted by the House, would we then have two separate commissions, Senator Grant?"

Senator Grant: "It is certainly not my intention that we have two separate commissions. It would be one single commission. That is what that subsection is intended to do."

Senator Odegaard: "I thought that was the purpose of Senate Bill 2408 but you said that has not passed, which I thought it had."

Senator Grant: "Hopefully, it will be before us soon."

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

Senator Grant moved adoption of the following amendment:

On page 6, line 27, after "Washington." insert "The commission, by one or more of its members, or by such agents or agencies as it may designate, may prosecute any inquiry necessary to its functions in any part of the United States."

Debate ensued.

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

Senator Grant moved adoption of the following amendment:

On page 15, following line 29, insert "(3) Collective bargaining agreements which provide for increases of wages, salaries or other benefits to be funded in whole or in part from moneys other than those appropriated by the state legislature for specific purposes shall be effective and enforceable to the extent such other moneys are used, notwithstanding any disbursement or budgetary powers exercised or guidelines issued by any state agency other than the legislature."

Debate ensued.

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

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

On page 15, line 30, after "Sec. 20." insert "This chapter shall supersede existing statutes not expressly repealed to the extent that there is a conflict between a provision of this chapter and those other statutes."

On motion of Senator Sandison, the rules were suspended, Engrossed Substitute Senate Bill No. 2263 was advanced to third reading, the second 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. 2263, and the bill passed the Senate by the following vote: Yeas, 38; nays, 6; absent or not voting, 2; excused, 3.

Voting yea: Senators Bailey, Beck, Benitz, Bottiger, Buffington, Day, Fleming, Francis, Goltz, Grant, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—38.

Voting nay: Senators Clarke, Cunningham, Donohue, Guess, Pullen, Scott—6.

Absent or not voting: Senators Bluechel, Matson—2.

Excused: Senators Gould, Murray, Stortini—3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2263, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REPLY BY THE PRESIDENT

The President: "In response to the parliamentary inquiry of Senator Robert Lewis, the President believes that the point of order challenging the House amendment to Senate Bill 2381 would still be timely if raised after the House has been given an opportunity to recede from its position on the amendment. Therefore, if Senator Lewis withdraws his point of order now, Senator Lewis would not be foreclosed from raising the point of order later, so long as the point of order is raised prior to a vote upon the amendment by the Senate."

MOTION

There being no objection, the Point of Order as raised by Senator Lewis (R. H. "Bob") on Engrossed Senate Bill No. 2381 on May 27, 1975 was withdrawn.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed House Bill No. 774 and the Senate amendment thereto: Senators Day, Scott and Wilson.

MOTION

On motion of Senator Mardesich, the Conference Committee appointments were confirmed.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed House Bill No. 173 and the Senate amendment thereto: Senators Stortini, Gould and Odegaard.

MOTION

On motion of Senator Mardesich, the Conference Committee appointments were confirmed.

SIGNED BY THE PRESIDENT

The President signed:
SENATE BILL NO. 2106.

MOTION

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

MOTION

On motion of Senator Mardesich, the following 1975 Senate Floor Resolutions were referred to the Committee on Rules: 61, landlord mobile home parking, study; 62, sewage disposal system, study; 63, license registration private security services; 64, license registration tax preparers; 65, mobile home construction standards, study; 66, examination procedure license professions; 67, consumer oriented issues, study; 68, spoil disposal, private property rights, study.

MOTION

On motion of Senator Mardesich, the Motion for Reconsideration on Senate Bill No. 2410 was ordered held for Thursday, May 29, 1975.

MOTION

At 6:58 p.m., on motion of Senator Mardesich, the Senate adjourned until 9:30 a.m., Thursday, May 29, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

SEVENTY-SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, May 29, 1975.

The Senate was called to order at 9:30 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Buffington, Cunningham, Murray and Rasmussen. On motion of Senator Lewis (R. H. "Bob"), Senators Buffington, Cunningham and Murray were excused.

The Color Guard, consisting of Pages Lanna Hamilton and Jim Johnson, presented the Colors. Reverend Charles Loyer, pastor of Westminster United Presbyterian Church of Olympia, offered the following prayer:

"ETERNAL GOD OUR FATHER, ENABLE THIS BODY TO REALIZE ITS COLLECTIVE POTENTIAL TODAY. THROUGH THE ENCOUNTER THAT TAKES PLACE WITHIN THE DEMOCRATIC PROCESS MAY THY WILL BE DONE. GIVE TO THE LEGISLATORS THE VISION THAT CREATES, THE FAITH THAT ACTS, THE PERSEVERANCE THAT PREVAILS AND THE FLEXIBILITY THAT CAN ADJUST TO POLITICAL REALITIES. AMEN."

MOTION

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

MESSAGE FROM THE GOVERNOR

Office of the Governor, May 28, 1975.

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

LADIES AND GENTLEMEN:

I have the honor to advise that on May 28, 1975, Governor Evans approved the following Senate Bills, entitled:

SENATE BILL NO. 2071: Increasing fees for service in process.

SUBSTITUTE SENATE BILL NO. 2086: Changing certain laws relating to the guardianship of incompetents.

SENATE BILL NO. 2117: Providing for the execution of conveyances by the director of the department of highways.

SENATE BILL NO. 2253: Specifying the number and qualifications of the state board of examiners for nursing home administrators.

SENATE BILL NO. 2271: Authorizing increased state matching funds for school construction.

SENATE BILL NO. 2278: Providing sanctions for violation of nursing home standards; providing for inspections, reports, and provisional licensing.

SENATE BILL NO. 2328: Providing a change in the distribution and utilization of motor vehicle fuel and use taxes.

SENATE BILL NO. 2385: Making certain changes in the laws relating to the Ya-colt burn.

SENATE BILL NO. 2393: Authorizing the director of game to open, close, shorten, or reopen seasons by his order.

SENATE BILL NO. 2453: Granting criminal justice training commission power to lease facilities.

SENATE BILL NO. 2466: Providing for deposit of retained percentage funds on public works contract in bank or savings accounts.

SUBSTITUTE SENATE BILL NO. 2517: Relating to higher education.

SENATE BILL NO. 2608: Revising fiscal regulation of activated air pollution authorities.

SUBSTITUTE SENATE BILL NO. 2616: Requiring notice and a hearing before an exchange of state land.

SENATE BILL NO. 2619: Providing a state-wide medical education system for family practice training.

SENATE BILL NO. 2636: Implementing law relating to construction of Washington State University tree fruit research center and financing thereof.

SUBSTITUTE SENATE BILL NO. 2692: Establishing standards for making buildings and facilities accessible to and usable by physically disabled persons.

SENATE BILL NO. 2741: Establishing conversion procedures for savings and loan associations and mutual savings banks.

SUBSTITUTE SENATE BILL NO. 2855: Excluding certain community college faculty appointments from rights relating to tenure.

SENATE BILL NO. 2960: Making changes in the laws relating to emergency services.

Sincerely,
CHI-DOOH LI
Legal Counsel

MESSAGES FROM THE HOUSE

May 28, 1975.

Mr. President: The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 2006,

SENATE BILL NO. 2047,

SENATE BILL NO. 2070,

SENATE BILL NO. 2146,

SUBSTITUTE SENATE BILL NO. 2251,

SENATE BILL NO. 2306,

SENATE BILL NO. 2310,

SENATE BILL NO. 2386,

SUBSTITUTE SENATE BILL NO. 2423,

SUBSTITUTE SENATE BILL NO. 2443,

SUBSTITUTE SENATE BILL NO. 2463,

SENATE BILL NO. 2611,

SENATE BILL NO. 2634,

SENATE BILL NO. 2698,

SUBSTITUTE SENATE BILL NO. 2727,
 SUBSTITUTE SENATE BILL NO. 2833,
 SENATE BILL NO. 2913,
 SENATE BILL NO. 2957,
 SENATE JOINT RESOLUTION NO. 101, and the same are herewith transmitted.
 DEAN R. FOSTER, Chief Clerk.

May 28, 1975.

Mr. President: The Speaker has signed:
 HOUSE BILL NO. 172,
 HOUSE BILL NO. 763, and the same are herewith transmitted.
 DEAN R. FOSTER, Chief Clerk.

May 28, 1975.

Mr. President: The House has passed SUBSTITUTE HOUSE BILL NO. 860, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

May 28, 1975.

Mr. President: The House has concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 988 and has passed the bill as amended by the Senate.
 DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:
 HOUSE BILL NO. 172,
 HOUSE BILL NO. 763.

MOTIONS

Senator Sandison moved that the Senate commence consideration of Substitute House Bill No. 511.

On motion of Senator Lewis (Harry), Substitute House Bill No. 511 was ordered held for later today.

On motion of Senator Sandison, the Senate commenced consideration of Engrossed Substitute House Bill No. 1204 on third reading.

THIRD READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1204, by Committee on Agriculture (originally sponsored by Representatives Becker, Kilbury, Zimmerman and Tilly):

Relating to artificial honey products.

MOTIONS

On motion of Senator Jolly, the rules were suspended and Engrossed Substitute House Bill No. 1204 was returned to second reading.

On motion of Senator Jolly, the following amendments by Senators Jolly and Benitz were considered and adopted simultaneously:

On page 1, line 9, after "branded" and before "as" insert "exclusively".

On page 1, line 15, after "labeled" and before "as honey" insert "exclusively".

On page 1, line 24, after "or labeled" and before "with the" insert "exclusively".

On page 1, line 27, after "labeled" and before "with the" insert "exclusively".

On motion of Senator Guess, the two amendments by Senators Guess and Rasmussen on the Secretary's desk to page 2 lines 14-16 and lines 23 through line 2 on page 3 were withdrawn.

On motion of Senator Jolly, the following amendment by Senators Jolly and Benitz was adopted:

On page 1, line 10, after "honey" strike the remainder of the sentence through line 12.

Senator Jolly moved adoption of the following amendment by Senators Jolly and Benitz:

On page 1, line 17, insert new subsections (3) and (4) as follows:

"(3) Whenever honey is mixed with any other substance or ingredient and the commodity is to be marketed in imitation or semblance of honey, the product shall be labeled with the word "artificial" or "imitation" in the same type size and style as the word "honey";

(4) Whenever any substance or commodity is to be marketed in imitation or semblance of honey, but contains no honey, the product shall not be branded or labeled with the word "honey" and/or depict thereon a picture or drawing of a bee, bee hive, or honeycomb;"

Renumber the remaining subsections consecutively.

POINT OF INQUIRY

Senator Beck: "Would Senator Benitz yield to a question? Senator Benitz, as an old bee raiser here I would like to ask a point of information here. Has science or the chemists or anybody else ever come up with any kind of a substance that will mix with honey and homogenize and mix in with it?"

Senator Benitz: "Yes, Senator Beck, there is an imitation product on the market that is so good even our best scientists cannot tell."

Senator Beck: "That is not the question. I am talking about real honey. Can you mix anything with real honey and get it to stay mixed?"

Senator Benitz: "Yes, very definitely."

Senator Beck: "I would like to talk to you about this a little later."

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

On motion of Senator Jolly, the following amendments by Senators Jolly and Benitz were adopted:

On page 1, line 22, after "other ingredients" strike ", but it shall not be sold, exposed for sale, or offered for sale as honey".

On page 2, line 1, strike the sentence commencing with "the word" and ending on lines 2 and 3 with "any honey".

MOTIONS

On motion of Senator Knoblauch, Senator Walgren was excused.

On motion of Senator Lewis (R. H. "Bob"), Senator Newschwander was excused.

On motion of Senator Jolly, the rules were suspended, Engrossed Substitute House Bill No. 1204, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Bluechel: "Would Senator Benitz yield to a question? Senator Benitz, has any provision been made for the supplies that may be in the production pipeline coming to this country, and it usually takes a fair time for overseas shipments to get here and there could be a clash? I assume that this goes into effect some ninety days after it is signed."

Senator Benitz: "Senator Bluechel, we have not done extensive research on that but it is my belief that the product that we are talking about that is coming in comes in generally in bulk. It would be repackaged here and in acceptable fashion."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1204, 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 Bailey, Beck, Benitz, Bluechel, Bottiger, Clarke, Day, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, North, Odegaard, Peterson, Pullen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—42.

Absent or not voting: Senators Donohue, Fleming, Rasmussen—3.

Excused: Senators Buffington, Cunningham, Murray, Newschwander—4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1204, 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 Knoblauch, Senator Donohue was excused.

THIRD READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 664, by Committee on Transportation and Utilities (originally sponsored by Representatives Bauer, Sommers, Nelson, Douthwaite, Thompson, McCormick, Valle, McKibbin, Laughlin and Zimmerman):

Establishing minimum thermal insulation standards.

Debate ensued.

POINT OF INQUIRY

Senator Guess: "Will Senator Marsh yield? Senator Marsh, have you any figures on the cost relationship between the production of the necessary insulating materials and the amount of electricity, say, that a cubic foot of rock wool will save?"

Senator Marsh: "I am not able to relate it in terms of cubic feet of rock wool. I am informed that a fifteen hundred square foot house would use thirty-six thousand eight hundred twenty-six watts in one year for heat if the house were not insulated, and that with insulation proposed by the bill the same house would require eleven thousand five hundred twenty-one watts, and in the first instance the heating bill would be four hundred and forty dollars. With the insulation the cost would only be one hundred and thirty-eight dollars, so using those figures you can see that there is a very substantial saving in the usage of watts and a very substantial saving in the electricity bills that the homeowner would experience with this thermal insulation."

Senator Guess: "Senator Marsh, you have not answered the question, however, as to the amount of electricity it is going to take to create that much insulation. This is the thing, and I am going to vote for the bill, but I want to make sure that the body understands that this is not a total savings. You have a cost relation and an energy relation benefit here that you have to take into consideration. I was warned by an insulation installer that this might cause a serious shortage of insulating material and thus add to the cost of the material that we are going to install, and all I want to do is to make the body aware that there is a relationship here and it is not all for free."

Senator Henry: "Senator Guess, I will try to answer your question. As far as I know, and I am usually wrong, there is no insulation manufacturing installation in the state of Washington so I presume they will do this on the east coast someplace and do it with water power. Then you will not be bothered with that."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 664, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House

Bill No. 664, as amended by the Senate, and the bill, on reconsideration, passed the Senate by the following vote: Yeas, 29; nays, 15; absent or not voting, 1; excused, 4.

Voting yea: Senators Bailey, Beck, Bluechel, Bottiger, Buffington, Day, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Keefe, Knoblauch, Mardesich, Marsh, McDermott, North, Pullen, Ridder, Sandison, Scott, Stortini, von Reichbauer, Walgren, Washington—29.

Voting nay: Senators Benitz, Clarke, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Matson, Morrison, Odegaard, Peterson, Sellar, Talley, Van Hollebeke, Wanamaker, Wilson, Woody—15.

Absent or not voting: Senator Rasmussen—1.

Excused: Senators Cunningham, Donohue, Murray, Newschwander—4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 664, as amended by the Senate, having received the constitutional majority, on reconsideration, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Marsh, Engrossed Substitute House Bill No. 664, as amended by the Senate, was ordered immediately transmitted to the House.

MOTIONS

On motion of Senator Knoblauch, Senator Rasmussen was excused.

On motion of Senator Sandison, Engrossed Second Substitute House Bill No. 827 was ordered to hold its place on the second reading calendar for Friday, May 30, 1975.

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

SECOND READING

ENGROSSED HOUSE BILL NO. 612, by Representatives Gallagher, Deccio and Wojahn:

Revising laws relating to accountants.

The Senate resumed consideration of Engrossed House Bill No. 612.

On Friday, May 23, 1975, Senator Lewis (Harry) moved adoption of the following amendment, a Point of Order was raised by Senator Van Hollebeke and the bill was held pending a Ruling by the President:

On page 1, line 12 after the enacting clause insert a new section to read as follows:

"Section 1. Section 1, chapter 226, Laws of 1949 and RCW 18.04.020 are each amended to read as follows:

There is hereby created a board to be known as the board of accountancy of the state of Washington, hereinafter called the "board." The board shall consist of [five] *seven* members to be appointed by the governor, *two of whom shall be citizens of the United States residing in the state of Washington who are neither certified public accountants, licensed public accountants or engaged in the active practice as a public accountant,* and all the members of the first board shall be appointed within thirty days after the effective date of this chapter: *PROVIDED, That one of the citizen members first appointed to the board shall serve for two years, the other shall serve for three years, and at the expiration of the initial terms citizen members shall be appointed for a term of three years.*"

Renumber remaining sections accordingly.

RULING BY THE PRESIDENT

The President: "In ruling on the point of order as presented by Senator Van Hollebeke, the President determines that Engrossed House Bill 612 is a measure which authorizes the accountancy board to set the fees for accountants who apply for examinations, register partnerships, or apply for permits. The proposed amendments pertain not to the powers of the board but to the question of the make-up of the board. The amendment increases the number of members on the board and requires that two members not

be either licensed or certified public accountants. The amendment does enlarge the scope and object of the bill and therefore the point of order is well taken."

The amendment by Senator Lewis (Harry) was ruled out of order.

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

On page 1, line 25, after "*chapter*" and before the period insert "*not to exceed seventy-five dollars*"

On page 2, line 21, after "*chapter*" insert "*not to exceed thirty dollars*"

On page 3, line 19, after "*chapter*" insert "*not to exceed thirty dollars*"

On page 3, line 33, after "*chapter*" insert "*not to exceed thirty dollars*"

Amend the Committee Amendment to page 4, line 11 as follows: After "*chapter*" on the last line of the amendment, insert "*not to exceed fifty dollars*"

Senator Van Hollebeke moved the following amendment by Senator Rasmussen not be adopted:

On page 4, line 30, being page 4, line 29 of the printed bill, strike all of subsection (2) and insert the following:

"[(2) Every person practicing public accounting shall as a prerequisite to annual renewal of such permit, submit to the Washington state board of accountancy satisfactory proof of having, during the preceding three years, completed fifteen days or an accumulation of one hundred twenty hours of continuing education recognized and approved by the board: PROVIDED, That this subsection shall not apply to applications for renewal until three years after July 16, 1973: PROVIDED, That this requirement may be waived by the board for good cause.]"

MOTION

On motion of Senator Sandison, Engrossed House Bill No. 612, together with the pending amendment by Senator Rasmussen, was ordered placed on today's second reading calendar following Engrossed House Bill No. 606.

SECOND READING

ENGROSSED HOUSE BILL NO. 578, by Representatives Bauer, Brown, Bender, Fortson, Clemente, McKibbin and Seeberger:

Adding restriction on the distribution of state aid to school districts on basis of ratio of pupils per classroom teacher.

The bill was read the second time by sections.

On motion of Senator Stortini, the rules were suspended, Engrossed House Bill No. 578 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Odegaard: "Would Senator Stortini yield to a question? Senator Stortini, I sympathize with what the bill is trying to do and believe that it is very important that the education received in the first three grades is probably the period of time when we can set the children in the right direction, and when they do not make much headway, especially in the first grade, it can hurt their education for several years after. However, when we are in this time with many levies having gone down to defeat, I wonder if we might be hamstringing some of these districts that have met double levy failures. It might be causing some problems here that maybe we have not thought about. I would be interested to know your comments on that particular problem."

Senator Stortini: "I think, Senator, that compliance with this could be achieved through the apportionment related programs approved by the functions of the State Board of Education and I think that they would certainly keep that in mind in the thirty-five to forty districts that have had levy failures for the second time. I do not think there would be a problem in that area at all. This would all be done within the district itself. There would not be any fiscal impact at all. It would just be the maneuvering of staff to

provide this type of thing within the district itself, but I believe that you will find that the effective date on here is July 1 of 1976."

POINT OF INQUIRY

Senator Odegard: "Mr. President and members of the Senate, Senator Washington, I believe too, as Senator Clarke stated, this is a very meritorious idea but I still have some serious concerns. Now maybe Senator Stortini can convince me or point out where I am wrong. Let us take a very small school district, and we have many of them in the state. Maybe there is one grade of each, one class for each grade, and let us say in grade one there happens to be twenty-eight children so we have a twenty-eight to one ratio, and in grade four there happened to be twenty-two children. Now I am not sure how, under this bill if it were to pass — maybe Senator Stortini could answer this — would the district have to hire then another teacher for grade one so it would bring that ratio lower than it might be in grade four? I see a real serious flaw here if that would be the case, especially in a district where the levy had gone down. I do not know how they would finance this and I think they might be mandating something here that would really cause more problems than it is worth."

POINT OF INQUIRY

Senator Guess: "Would Senator Stortini yield? Senator Stortini, can you tell me how many students are in the state in K through 3 in comparison with those in 4 through 12?"

Senator Stortini: "Senator Guess, I would have to look at the chart to give you the exact number on that. I have all of the three hundred and nine school districts broken down according to their district classification and I would have to go through and double check that. I can give you a copy of this if you so desire."

Senator Guess: "The second question is, has the Ways and Means Committee considered this bill and the amount of money extra that it would require to comply with the regulation?"

Senator Stortini: "I am not sure if Ways and Means in the House took this into consideration. It was not in Ways and Means in the Senate though."

MOTION

Senator Guess moved that Engrossed House Bill No. 578 be referred to the Committee on Ways and Means.

Debate ensued.

POINT OF INQUIRY

Senator Jones: "I wonder if Senator Stortini would yield to a question? The question is, what do you consider to be nominal? Of late I have been having trouble with definitions such as reform and spending and I would like to know what you mean by nominal."

Senator Stortini: "Senator Jones, I do not think we can have a definite answer on that. I think that because of the fact that the effective date of July 1, 1976 is there, the school districts then would have two hiring periods to adjust the classroom load and thereby ease whatever the small fiscal impact might be."

Further debate ensued.

POINT OF INQUIRY

Senator Mardesich: "Would Senator Stortini or Senator Marsh yield to a question? I will preface my question with some comments. I am inclined to believe that perhaps there is some validity in your position that we should do something more in the first few grades because they get those basics better, and if that logic is correct, how do we explain the fact that as we go up through the school system into college we have a much lower level of student-pupil ratio at the University level, and in graduate courses we get down to three to one, when, had we done a good job, we should reverse this? What you are saying, logically, then is that the university should not have the three to one ratio in graduate work—that the junior colleges and the high schools should have higher ratios,

and we should put a one to three in the grade schools or in kindergarten. Then why do you stop with the grades one to four? Why don't you make that comparison run to the colleges, because our whole system is backwards if we are to accept your philosophy and I am not sure that I am willing to accept that philosophy yet."

Senator Stortini: "I am agreed, Senator Mardesich, with what you are saying, but I think all we have to do is look around the halls here in Olympia and we can see the reason why we put such an emphasis on higher education. Take a look at the number of people that come to your office or my office that are working for higher education, for special education programs. How many times have you had someone in your office that has lobbied for kindergarten through the third or fourth grade? I have never had anyone, and I think it is mainly because of the political muscle we have here in our halls that that kind of thing takes place, and it should be changed."

Further debate ensued.

POINT OF INQUIRY

Senator Gould: "I have one question and I came into this believing that I would want to support his bill because I think basically and philosophically there is not one person who is involved in education who does not think the most important are the first three grades, and the individualization which has been talked to and the reading ability and the concentration, but I see in the bill that it requires—it does not require and mandate a class load which is of course important, but it does require that they be classroom teachers at a same ratio as any other, and I wonder if this does not, and I would like to ask Senator Stortini to yield on this, if this does not say, 'Okay, we have got ninety kids in the first grade level and the rest of the classrooms are thirty so we have to have no more than thirty in the first grade level. However, in our district it might be nice if we took two teachers and then maybe four assistants and worked out a program. That might be the best program for our kids.' And yet by this bill they would not be able to do that. They would not have a flexibility to design a program that might be best for not only their students but also their teaching staff. They would have to do it by class load, and I just wonder if this bill would not do that."

MOTIONS

At 10:50 a.m., Senator Mardesich moved the Senate recess.

Senator Bailey: "Mr. President, would it be in order to make a motion relative to the rules of the Senate?"

REPLY BY THE PRESIDENT

The President: "Yes, Senator."

MOTION

Senator Bailey: "Mr. President, I move that we invoke the three minute rule, which we have already, and that we limit debate to three minutes with no yields, with each person on each issue, except for the budget."

There being no objection, the motion by Senator Bailey was withdrawn.

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

MESSAGES FROM THE HOUSE

May 29, 1975.

Mr. President: The Speaker has signed HOUSE BILL NO. 988, and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

May 28, 1975.

Mr. President: The House has granted the request of the Senate for a conference on

Engrossed Senate Bill No. 2623 and the House amendments thereto and the Speaker has appointed as members of the Conference Committee thereon: Representatives Parker, Bauer and Eikenberry.

DEAN R. FOSTER, Chief Clerk.
May 29, 1975.

Mr. President: The Speaker has signed:

SENATE BILL NO. 2106,

SECOND SUBSTITUTE SENATE BILL NO. 2241,

SUBSTITUTE SENATE BILL NO. 2574,

SUBSTITUTE SENATE BILL NO. 2737, and the same are herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

MESSAGE FROM THE HOUSE

May 28, 1975.

Mr. President: The House refused to concur in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 40 and asks the Senate for a conference thereon, and the Speaker has appointed as the House conferees the following members: Representatives Adams, Eng and Haley, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 40 and the Senate amendments thereto: Senators Day, Bufington and McDermott.

MOTION

On motion of Senator Mardesich, the Conference Committee appointments were confirmed.

The motion by Senator Mardesich carried and the Senate recessed until 12:35 p.m.

AFTERNOON SESSION

The President called the Senate to order at 12:35 p.m.

MOTION

At 12:37 p.m., on motion of Senator Sandison, the Senate recessed until 1:45 p.m.

SECOND 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.

REPORTS OF STANDING COMMITTEES

May 28, 1975.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 164, creating a department of transportation (reported by Committee on Transportation and Utilities):

Recommendation: Do pass as amended.

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

Passed to Committee on Rules for second reading.

May 29, 1975.

HOUSE BILL NO. 695, clarifying filing and service requirements for enforcing liens (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Clarke, Jones, Scott, Van Hollebeke, Woody.

Passed to Committee on Rules for second reading.

May 29, 1975.

SUBSTITUTE HOUSE BILL NO. 915, relating to social service planning, funding and delivery (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; von Reichbauer, Vice Chairman; Goltz, Herr, Pullen, Ridder, Van Hollebeke.

Passed to Committee on Rules for second reading.

INTRODUCTION AND FIRST READING

SUBSTITUTE HOUSE BILL NO. 860, by Committee on Transportation and Utilities (originally sponsored by Representatives Perry and Patterson):

Relating to transportation studies.

Referred to Committee on Transportation and Utilities.

THIRD READING

ENGROSSED HOUSE BILL NO. 578, by Representatives Bauer, Brown, Bender, Fortson, Clemente, McKibbin and Seeberger:

Adding restriction on the distribution of state aid to school districts on basis of ratio of pupils per classroom teacher.

The Senate resumed consideration of Engrossed House Bill No. 578 on third reading and the motion by Senator Guess made earlier today that Engrossed House Bill No. 578 be referred to the Committee on Ways and Means.

Debate ensued.

The motion by Senator Guess failed on a rising vote.

MOTION

On motion of Senator Lewis (R. H. "Bob"), Senator Morrison was excused.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 578.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 578 and the bill failed to pass the Senate by the following vote: Yeas, 17; nays, 27; absent or not voting, 4; excused, 1.

Voting yea: Senators Bailey, Bluechel, Fleming, Francis, Goltz, Grant, Henry, Herr, Knoblauch, Marsh, McDermott, Newschwander, Ridder, Stortini, Van Hollebeke, von Reichbauer, Washington—17.

Voting nay: Senators Beck, Benitz, Buffington, Clarke, Cunningham, Day, Donohue, Gould, Guess, Jolly, Jones, Keefe, Lewis (R. H. "Bob"), Mardesich, Matson, Morrison, North, Odegaard, Peterson, Pullen, Rasmussen, Sandison, Scott, Talley, Wana-maker, Wilson, Woody—27.

Absent or not voting: Senators Bottiger, Lewis (Harry), Sellar, Walgren—4.

Excused: Senator Murray—1.

ENGROSSED HOUSE BILL NO. 578, having failed to receive the constitutional majority, was declared lost.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Mardesich moved that the Senate immediately reconsider the vote by which Engrossed House Bill No. 578 failed to pass the Senate.

MOTION

On motion of Senator Mardesich, the motion for reconsideration was held for Friday, May 30, 1975.

MOTION

Senator Grant moved that Engrossed House Bill No. 176 hold its place on the second reading calendar for Friday, May 30, 1975.

Debate ensued.

The motion by Senator Grant carried. Engrossed House Bill No. 176 was ordered to hold its place on the second reading calendar for Friday, May 30, 1975.

MOTION

At 2:10 p.m., on motion of Senator Mardesich, the Senate recessed until 9:10 p.m.

EVENING SESSION

The President called the Senate to order at 9:10 p.m.

MOTION

At 9:15 p.m., on motion of Senator Mardesich, the Senate recessed until 10:50 p.m.

SECOND EVENING SESSION

The President called the Senate to order at 10:50 p.m.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Substitute House Bill No. 1141.

THIRD READING

SUBSTITUTE HOUSE BILL NO. 1141, by Committee on Transportation and Utilities (originally sponsored by Representatives Gaines, Parker, Martinis, Sherman, North, Patterson, Dunlap, Freeman, Gilleland and Polk):

Providing for expedited decision regarding construction of highway between Bellevue and Seattle.

Debate ensued.

MOTION

On motion of Senator Lewis (R. H. "Bob"), Senator North was excused.

POINT OF INQUIRY

Senator Washington: "Will Senator Walgren yield? What is the effect of this bill on the possible future availability for federal funds for public transportation in this corridor?"

Senator Walgren: "I do not think there is any direct effect, Senator Washington. Of course, as you are well aware, one of the things that we have been concerned about is trying to make a combination of the use of regular federal moneys for highway con-

struction and urban mass transit funds. There are applications now pending in the federal government for those urban mass transit funds and I do not think this would have any particular effect one way or the other."

Senator Washington: "Mr. President, I was just reading on the yellow sheet in the description of the bill, the bill provides that if there is no such concurrence, that state money shall not be spent on substitute public mass transit projects in the Seattle metropolitan area under the federal assistance program without further express authorization of the legislature. I was wondering what effect that would have."

Senator Clarke: "If you will read the bill, Senator Washington, you will find that this relates to federal funds that are available under a specific section and that section relates exclusively to fixed rail transit, and I am advised that that is the only section that it relates to and it would have no effect upon the effort to get federal funds for other purposes."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1141.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1141 and the bill passed the Senate by the following vote: Yeas, 35; nays, 9; absent or not voting, 3; excused, 2.

Voting yea: Senators Bailey, Beck, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Goltz, Gould, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, Newschwander, Odegard, Peterson, Pullen, Sellar, Stortini, Talley, Van Hollebeke, Walgren, Wanamaker, Wilson, Woody—35.

Voting nay: Senators Fleming, Francis, Grant, McDermott, Rasmussen, Ridder, Sandison, von Reichbauer, Washington—9.

Absent or not voting: Senators Benitz, Donohue, Scott—3.

Excused: Senators Murray, North—2.

SUBSTITUTE HOUSE BILL NO. 1141, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REMARKS BY THE PRESIDENT

The President: "Members of the Senate, ladies and gentlemen, due to the lateness of the hour, the need to expedite the legislative process, and the importance of the measures to be considered tonight, the President respectfully requests that the members of the Senate, the Sergeant at Arms, the press, the staff and guests please adhere closely to the rules of decorum adopted by the Senate early in the session."

There being no objection, Senator Donohue was excused.

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

SECOND READING

ENGROSSED HOUSE BILL NO. 606, by Representatives Ceccarelli, Warnke, Kalich and Curtis:

Permitting young adults to work in licensed liquor premises.

The bill was read the second time by sections.

On motion of Senator Van Hollebeke the rules were suspended, Engrossed House Bill No. 606 was advanced to third reading, the second 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. 606,

and the bill passed the Senate by the following vote: Yeas, 28; nays, 16; absent or not voting, 2; excused, 3.

Voting yea: Senators Bailey, Bluechel, Clarke, Fleming, Francis, Grant, Guess, Henry, Herr, Jones, Keefe, Knoblauch, Mardesich, Matson, Morrison, Odegaard, Peterson, Ridder, Sandison, Sellar, Stortini, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson, Woody—28.

Voting nay: Senators Beck, Bottiger, Buffington, Cunningham, Day, Goltz, Gould, Jolly, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, McDermott, Newschwander, Pullen, Rasmussen, von Reichbauer—16.

Absent or not voting: Senators Benitz, Scott—2.

Excused: Senators Donohue, Murray, North—3.

ENGROSSED HOUSE 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.

MOTIONS

On motion of Senator Lewis (R. H. "Bob"), Senator Benitz was excused.

On motion of Senator Mardesich, the Senate commenced consideration of Engrossed House Bill No. 1026.

SECOND READING

ENGROSSED HOUSE BILL NO. 1026, by Representatives Sommers, Ehlers and Hendricks:

Allowing preference in public employment for spouses of honorably discharged totally disabled veterans.

The bill was read the second time by sections.

On motion of Senator Rasmussen, the rules were suspended, Engrossed House Bill No. 1026 was advanced to third reading, the second 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. 1026, and the bill passed the Senate by the following vote: Yeas, 41; nays, 3; absent or not voting, 1; excused, 4.

Voting yea: Senators Bailey, Beck, Bottiger, Buffington, Clarke, Day, Fleming, Francis, Goltz, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Newschwander, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—41.

Voting nay: Senators Bluechel, Cunningham, Gould—3.

Absent or not voting: Senator Scott—1.

Excused: Senators Benitz, Donohue, Murray, North—4.

ENGROSSED HOUSE BILL NO. 1026, having received the constitutional majority, 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. 1043, by Representative Savage:

Requiring an employer to assure a workman on temporary disability of a light duty position.

Senators Mardesich, Bailey and Rasmussen demanded a Call of the Senate.

A Call of the Senate was ordered.

CALL OF THE SENATE

The Sergeant at Arms locked the doors of the Senate Chamber. The Secretary called the roll on the Call of the Senate, all members being present except Senators Murray and North who had been previously excused.

MOTION

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

MOTION

At 11:18 p.m., on motion of Senator Mardesich, the Senate recessed until 12:15 a.m.

THIRD EVENING SESSION

The President called the Senate to order at 12:15 a.m.

MOTION

On motion of Senator Mardesich, the Senate returned to the first order of business.

REPORTS OF STANDING COMMITTEES

May 29, 1975.

ENGROSSED HOUSE BILL NO. 12, changing Viet Nam veterans' bonus laws (reported by Committee on State Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Rasmussen, Chairman; Buffington, Day, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules for second reading.

May 29, 1975.

ENGROSSED HOUSE BILL NO. 707, raising license fees and raising maximum amount small loan companies can loan (reported by Committee on Financial Institutions):

MAJORITY recommendation: Do pass.

Signed by: Senators Bluechel, Clarke, Herr, Jones, Mardesich, Walgren.

MINORITY recommendation: Do not pass.

Signed by: Senator Woody, Chairman.

Passed to Committee on Rules for second reading.

May 29, 1975.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 866, adopting a budget for state agencies (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Donohue, Chairman; Odegard, Vice Chairman; Wilson, Second Vice Chairman; Bailey, Clarke, Fleming, Grant, Jones, Mardesich, Marsh, Newschwander, Rasmussen, Sandison, Scott, Washington, Woody.

MOTIONS

On motion of Senator Mardesich, the rules were suspended and Engrossed Substitute House Bill No. 866 was advanced to second reading and read the second time in full.

On motion of Senator Mardesich, the Senate resolved itself into a Committee on the Whole, for the purpose of considering Engrossed Substitute House Bill No. 866.

COMMITTEE OF THE WHOLE

President Pro Tempore Henry in the Chair.

Senator Donohue moved adoption of the following committee amendments:

On page 1, beginning with line 16 strike the remainder of the bill and insert the following:

"NEW SECTION. Sec. 2. FOR THE LEGISLATURE

General Fund Appropriation	\$ 2,563,000
Total Appropriation.	\$ 2,563,000

The appropriation contained in this section shall be subject to the following conditions and limitations:

- (1) \$7,500 for the senate ethics committee.
- (2) \$7,500 for the house ethics committee.
- (3) \$10,000 for Western Forest Practices Task Force.
- (4) \$542,000 for data base operation and staffing.
- (5) \$1,006,000 for the accounting system and central data base modification.
- (6) \$990,000 for special projects and studies, including, but not limited to, special fiscal audit surveys, energy research, hazardous wastes, economic development, civil service position control, pension studies, and common school financing.

NEW SECTION. Sec. 3. FOR THE LEGISLATIVE BUDGET COMMITTEE

General Fund Appropriation	\$ 741,915
Total Appropriation.	\$ 741,915

NEW SECTION. Sec. 4. FOR THE STATUTE LAW COMMITTEE

General Fund Appropriation	\$ 2,428,726
Total Appropriation.	\$ 2,428,726

NEW SECTION. Sec. 5. FOR THE SUPREME COURT

General Fund Appropriation	\$ 2,747,967
Total Appropriation.	\$ 2,747,967

The appropriation contained in this section shall be subject to the following condition or limitation: Not more than \$399,115 shall be expended for expenses incurred in perfecting appellate review of indigent cases.

NEW SECTION. Sec. 6. FOR THE LAW LIBRARY

General Fund Appropriation	\$ 807,639
Total Appropriation.	\$ 807,639

NEW SECTION. Sec. 7. FOR THE COURT OF APPEALS

General Fund Appropriation	\$ 2,571,699
Total Appropriation.	\$ 2,571,699

The appropriation contained in this section shall be subject to the following condition or limitation: \$15,000 may be expended for the purpose of determining an appropriate site to construct a facility for Division I of the court and priority consideration shall be given to a site adjacent to the University of Washington School of Law.

NEW SECTION. Sec. 8. FOR THE ADMINISTRATOR FOR THE COURTS

General Fund Appropriation—State	\$ 4,929,944
General Fund Appropriation—Federal	\$ 170,912
Total Appropriation.	\$ 5,100,856

The appropriations contained in this section shall be subject to the following conditions and limitations:

- (1) Not more than \$50,000 shall be expended for criminal cost bills, including prior claims.
- (2) Not more than \$25,000 shall be expended for obligations incurred during the 1973-75 biennium.
- (3) Not more than \$74,560 shall be expended for judges pro tem for the superior courts and the administrator for the courts shall authorize and approve all such expenditures.
- (4) \$3,641,992 for superior court judges.
- (5) \$659,380 for judges' retirement fund contributions in accordance with RCW 2.12.060.

NEW SECTION. Sec. 9. FOR THE JUDICIAL COUNCIL

General Fund Appropriation	\$ 166,204
Total Appropriation.	\$ 166,204

NEW SECTION. Sec. 10. FOR THE OFFICE OF THE GOVERNOR

General Fund Appropriation	\$ 1,661,691
Total Appropriation.	\$ 1,661,691

The appropriation contained in this section shall be subject to the following conditions and limitations:

- (1) \$1,358,293 for executive operations.
- (2) \$20,000 for investigation and emergency purposes to be distributed on vouchers approved by the governor.
- (3) \$190,690 for 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 and for legal services as determined by the attorney general.
- (4) \$92,708 for mansion maintenance.

NEW SECTION. Sec. 11. FOR THE GOVERNOR—SPECIAL APPROPRIATIONS

General Fund Appropriation—State	\$105,640,918
General Fund Appropriation—Federal	\$ 12,962,742
Special Fund Salary Increase Revolving Fund Appropriation	\$ 41,087,810
Total Appropriation.	\$159,691,470

The appropriations contained in this section shall be subject to the following conditions and limitations:

- (1) \$630,000 for the governor's emergency fund to be allocated for the purpose of carrying out the critically necessary work of any agency.

- (2) Not more than \$700,000 may be allotted by the governor for survey and installation purposes.

- (3) \$20,000 for the Interstate Nuclear Compact.

- (4) \$2,000 for the Advisory Commission on Intergovernmental Relations.

- (5) \$100,340 for the Council on State Governments.

- (6) \$60,000 for Governor's Transition.

- (7) \$75,000 for the National Guard Association Conference.

- (8) Not more than \$117,016,320 in general fund moneys (including \$12,962,742 in federal funds) shall be expended for continuation during the 1975-77 biennium of the salary increases which were granted effective March 1, 1975 pursuant to section 2, chapter 9, Laws of 1975 to state classified and higher education classified employees, state employees exempt from the classified service, faculty and exempt employees of the four year units of higher education and the community college system, excluding student employees not under the jurisdiction of the state personnel board or higher education personnel board classification systems, and commissioned members of the Washington state patrol. Such salary increase funds include increments, or their equivalent, that may be granted by the individual institutions of higher education.

- (9) Not more than \$41,087,810 in Special Fund Salary Increase Revolving Fund moneys shall be expended for continuation during the 1975-77 biennium of the salary increases granted pursuant to section 2, chapter 9, Laws of 1975, and to facilitate payment of such increases the state treasurer is hereby directed to transfer sufficient revenue from each special fund to the Special Fund Salary Increase Revolving Fund, in accordance with schedules provided by the office program planning and fiscal management.

- (10) It is the intent of the legislature that no funds contained in the appropriations made by this section shall be expended for Alternatives for Washington purposes.

NEW SECTION. Sec. 12. FOR THE LIEUTENANT GOVERNOR

General Fund Appropriation	\$ 102,434
Total Appropriation.	\$ 102,434

NEW SECTION. Sec. 13. FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund Appropriation	\$ 472,112
Total Appropriation.	\$ 472,112

NEW SECTION. Sec. 14. FOR THE SECRETARY OF STATE

General Fund Appropriation	\$ 2,109,690
Total Appropriation.	\$ 2,109,690

The appropriation contained in this section shall be subject to the following condition or limitation: \$572,000 shall be expended exclusively for support of the initiative and referendum program.

NEW SECTION. Sec. 15. FOR THE GOVERNOR'S INDIAN ADVISORY COUNCIL

General Fund Appropriation	\$ 199,664
Total Appropriation.	\$ 199,664

NEW SECTION. Sec. 16. FOR THE COMMISSION ON ASIAN-AMERICAN AFFAIRS

General Fund Appropriation	\$ 90,436
Total Appropriation.	\$ 90,436

NEW SECTION. Sec. 17. FOR THE WASHINGTON STATE WOMEN'S COUNCIL

General Fund Appropriation	\$ 77,000
Total Appropriation.	\$ 77,000

NEW SECTION. Sec. 18. FOR THE STATE TREASURER

General Fund—Investment Reserve Account Appropriation	\$ 743,011
Motor Vehicle Fund Appropriation	\$ 21,803
State Treasurer's Service Fund Appropriation	\$ 1,615,622
War Veterans' Compensation Fund Appropriation	\$ 91,692
War Veterans' Compensation Fund Reappropriation.	\$ 1,142,000
Total Appropriation and Reappropriation	\$ 3,614,128

The appropriations and reappropriations contained in this section shall be subject to the following conditions and limitations:

(1) Not more than \$44,347 from the war veterans' compensation fund appropriation shall be expended for administration of the Vietnam Bonus Act if chapter . . . , Laws of 1975 1st ex. sess. (SSB 2965 or similar legislation), which extends the application date for such bonus for one year, is not enacted into law.

(2) The war veterans' compensation fund reappropriation shall be expended exclusively for Vietnam bonus payments as provided in chapter 173, Laws of 1974 ex. sess. Only \$400,000 or so much thereof as may be necessary of such reappropriation shall be expended for Vietnam bonus payments if chapter . . . , Laws of 1975 1st ex. sess. (SSB 2965 or similar legislation), which extends the application date for such bonus for one year, is not enacted into law.

NEW SECTION. Sec. 19. FOR THE STATE AUDITOR

General Fund Appropriation	\$ 3,802,272
Motor Vehicle Fund Appropriation	\$ 149,980
Total Appropriation.	\$ 3,952,252

The appropriations contained in this section shall be subject to the following condition or limitation: It is the intent of the legislature that the legal costs incurred by the attorney general to insure compliance with the findings of the state auditor in state agency audits shall be charged to the agency that received the audit.

NEW SECTION. Sec. 20. FOR THE ATTORNEY GENERAL

General Fund Appropriation	\$ 1,719,588
Legal Services Revolving Fund Appropriation	\$ 8,640,579
Total Appropriation.	\$10,360,167

NEW SECTION. Sec. 21. FOR THE OFFICE OF PROGRAM PLANNING AND FISCAL MANAGEMENT

General Fund Appropriation	\$ 5,550,303
Total Appropriation.	\$ 5,550,303

The appropriation contained in this section shall be subject to the following conditions and limitations:

(1) \$4,950,303 for operations.

(2) Not more than \$400,000 shall be expended for supplies and services furnished in previous biennia. Allocations shall be made to state agencies in accordance with instructions from OPP&FM.

(3) Not more than \$200,000 shall be expended for payment of assessments against state owned lands.

(4) It is the intent of the legislature that state funds in the amount of \$248,000 included in state agency budgets for state magazine purposes in the 1975-77 biennium shall be reverted to the state general fund through the office of program planning and fiscal management's allotment process.

NEW SECTION. Sec. 22. FOR THE DEPARTMENT OF PERSONNEL

General Fund Appropriation	\$ 10,000
Personnel Service Revolving Fund—State	\$ 5,636,683
Personnel Service Revolving Fund—Federal	\$ 1,409,000
State Employees' Insurance Fund	\$ 589,273
Total Appropriation.	\$ 7,644,956

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) \$10,000 for payments of Employee Suggestion Awards.

(2) Not more than \$5,636,683 of the personnel service revolving fund appropriation shall be from state funds.

(3) \$82,474 of the personnel service revolving fund appropriation shall be reimbursable from the department of social and health services for the biennial costs of the department of personnel state employees' alcoholism program established in accordance with RCW 70.96A.080.

(4) \$479,236 of the personnel service revolving fund appropriation shall be expended by the department of personnel to administer, maintain, and operate a central automated personnel/payroll system which is hereby authorized. To facilitate proper distribution of costs, the department of personnel is authorized to utilize the data processing revolving fund created by RCW 43.105.080: PROVIDED, That the staff of the data processing service center engaged in payroll data control and payroll data entry, along with such records, files, data, materials, equipment, supplies, and other assets as are directly associated with their function shall be transferred, effective October 1, 1975, to the department of personnel.

(5) All expenses of the state employees' insurance board shall be paid from the state employees' insurance fund.

NEW SECTION. Sec. 23. FOR THE CAPITOL COMMITTEE

General Fund—Capitol Building Construction

Account Appropriation	\$ 20,000
Total Appropriation.	\$ 20,000

NEW SECTION. Sec. 24. FOR THE DATA PROCESSING AUTHORITY

General Fund Appropriation	\$ 2,803,599
General Fund—Resource Management Cost Account	
Appropriation	\$ 100,000
Accident Fund Appropriation	\$ 10,000
Medical Fund Appropriation	\$ 10,000
Motor Vehicle Fund Appropriation	\$ 175,000
Total Appropriation.	\$ 3,098,599

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) \$1,400,000 of the \$2,803,599 general fund appropriation contained in this section shall be transferred to the data processing revolving fund and expended for the purchase of equipment necessary to establish service centers in accordance with consolidation plans.

(2) \$593,099 of the \$2,803,599 general fund appropriation contained in this sec-

tion shall be expended to assist agencies in transferring to a consolidated data processing environment.

(3) The resource management cost account appropriation, accident fund appropriation, medical fund appropriation, and motor vehicle fund appropriation contained in this section shall be expended to assist agencies in transferring to a consolidated data processing environment.

(4) It is the intent of the legislature that additional transitional costs related to the consolidation plan in excess of those provided for by the appropriations contained in this section shall be considered upon justification therefor.

NEW SECTION. Sec. 25. FOR THE COMMISSION ON MEXICAN-AMERICAN AFFAIRS

General Fund Appropriation	\$ 88,687
Total Appropriation.	\$ 88,687

NEW SECTION. Sec. 26. FOR THE WASHINGTON PUBLIC EMPLOYEES' RETIREMENT SYSTEM

General Fund Appropriation	\$79,809,101
Retirement System Expense Fund Appropriation.	\$ 2,543,802
Total Appropriation.	\$82,352,903

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) Not more than \$2,134,381 of the retirement system expense fund appropriation contained in this section shall be expended for administration of the Washington public employees' retirement system.

(2) Not more than \$409,421 of the retirement system expense fund appropriation contained in this section shall be expended for administration of the Law Enforcement Officers' and Fire Fighters' Retirement System. The board shall fix the rate charged to employer units of the LEOFF system at a level sufficient to provide income to the retirement system expense fund in the 1975-77 biennium equal to the amount appropriated by this section.

(3) \$37,965 of the general fund appropriation contained in this section shall be expended for the administrative expenses of the judicial retirement system.

(4) \$79,500,000 of the general fund appropriation contained in this section shall be expended for contributions of the LEOFF system.

(5) \$271,136 of the general fund appropriation contained in this section shall be expended for contributions to the judicial retirement system.

NEW SECTION. Sec. 27. FOR THE FINANCE COMMITTEE

General Fund—Investment Reserve Account Appropriation	\$ 526,039
Total Appropriation.	\$ 526,039

The appropriation contained in this section shall be subject to the following condition or limitation: The committee shall assume full responsibility for the investment management of the state trust and retirement funds and the additional staff necessary for such assumption shall be subject to the development of a contract (or contracts) for the reimbursement of such services from the state trust and retirement funds.

NEW SECTION. Sec. 28. FOR THE DEPARTMENT OF REVENUE

General Fund Appropriation	\$19,970,898
State Timber Reserve Fund Appropriation	\$ 1,480,732
Total Appropriation.	\$21,451,630

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) Audit coverage of all tax returns shall be increased from 15% to 17%.

(2) Audit coverage of timber tax returns shall be accomplished by the current audit staff of the department without an increase in FTE staff years. Audit costs attributable to the timber tax are to be credited against the appropriation from the State Timber Reserve Fund.

(3) Twelve positions (20 FTE's) shall be added to the current staff of 19 (8 FTE's)

for improvement of the administration of the timber tax including stumpage and land valuation.

NEW SECTION. Sec. 29. FOR THE TAX APPEALS BOARD

General Fund Appropriation	\$ 600,881
Total Appropriation.	\$ 600,881

NEW SECTION. Sec. 30. FOR THE MUNICIPAL RESEARCH COUNCIL

General Fund Appropriation	\$ 735,000
Total Appropriation.	\$ 735,000

NEW SECTION. Sec. 31. FOR THE UNIFORM LEGISLATION COMMISSION

General Fund Appropriation	\$ 15,826
Total Appropriation.	\$ 15,826

NEW SECTION. Sec. 32. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Fund Appropriation	\$ 6,384,916
Department of General Administration Facilities and Services	
Revolving Fund Appropriation.	\$ 7,017,307
General Fund—Motor Transport Account Appropriation	\$ 2,616,585
Total Appropriation.	\$16,018,808

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) Not more than \$64,500 shall be expended for the Migrant Campsite Advisory Council established by the director to extend the Buena pilot project to a full biennial operation.

(2) The motor transport account appropriation shall be expended as follows:

- (a) \$2,116,585 for operation of motor vehicle transportation services; and
- (b) \$500,000 for provision of additional motor vehicle transportation services.

Such funds shall not be available for allotment or expenditure until a plan or plans for such expanded services shall have been reviewed and approved by the office of program planning and fiscal management on behalf of the governor. A report of any amounts approved for allotment shall be filed with the legislative auditor and such auditor shall transmit such report to the standing ways and means committees and the legislative budget committee.

(3) \$210,000 of the general fund appropriation shall be expended exclusively for the implementation of chapter . . . , Laws of 1975 1st ex. sess. (HB 102). It is the intent of the legislature that such expenditure shall result in a minimum of \$4,000,000 savings and cost avoidance in the overall state purchasing and material control system during the 1975-77 biennium. Accordingly, all dollar amounts representing cost savings or cost avoidance achieved by the state supply management policy board during this biennium shall not be allotted or expended, but shall be reserved for reversion to the fund of origin.

(4) \$210,000 of the general fund appropriation shall be expended for the maintenance and upkeep of the Northern State Hospital facility with a monthly limit on expenditures of not more than \$35,000. The office of program planning and fiscal management is hereby directed to furnish the next session of the legislature with a plan and recommendation for disposition of the facility.

NEW SECTION. Sec. 33. FOR THE PRESIDENTIAL ELECTORS

General Fund Appropriation	\$ 325
Total Appropriation.	\$ 325

NEW SECTION. Sec. 34. FOR THE INSURANCE COMMISSIONER

General Fund Appropriation	\$ 4,097,320
Total Appropriation.	\$ 4,097,320

The appropriation contained in this section shall be subject to the following conditions and limitations:

(1) \$987,873 shall be expended exclusively for support of the Fire Safety and Regulation Program.

(2) Whenever the Insurance Companies Reimbursement Fund — Local exceeds \$248,400, there shall be a corresponding increase in unexpended state funds.

NEW SECTION. Sec. 35. FOR THE BOARD OF ACCOUNTANCY

General Fund Appropriation	\$ 280,217
Total Appropriation.	\$ 280,217

NEW SECTION. Sec. 36. FOR THE ATHLETIC COMMISSION

General Fund Appropriation	\$ 42,007
Total Appropriation.	\$ 42,007

NEW SECTION. Sec. 37. FOR THE CEMETERY BOARD

General Fund—Cemetery Account Appropriation	\$ 40,287
Total Appropriation.	\$ 40,287

NEW SECTION. Sec. 38. FOR THE HORSE RACING COMMISSION

Horse Racing Commission Fund	\$ 1,301,201
Total Appropriation.	\$ 1,301,201

The appropriation contained in this section shall be subject to the following conditions and limitations:

(1) If there are more than 454 racing days during the 1975-77 biennium, the governor is hereby authorized to allocate such additional funds as may be required.

(2) It is the intent of the legislature that the School of Veterinary Medicine of Washington State University shall perform the chemical analyses required by the commission during the 1976 racing season, unless the school is prohibited from doing so by technical limitations.

NEW SECTION. Sec. 39. FOR THE WASHINGTON STATE GAMBLING COMMISSION

General Fund Appropriation	\$ 1,806,520
Total Appropriation.	\$ 1,806,520

NEW SECTION. Sec. 40. FOR THE LIQUOR CONTROL BOARD

Liquor Board Revolving Fund Appropriation.	\$35,924,688
Total Appropriation.	\$35,924,688

NEW SECTION. Sec. 41. FOR THE PHARMACY BOARD

General Fund Appropriation	\$ 535,349
Total Appropriation.	\$ 535,349

NEW SECTION. Sec. 42. FOR THE UTILITIES AND TRANSPORTATION COMMISSION

Public Service Revolving Fund Appropriation	\$ 7,944,367
Grade Crossing Protective Fund Appropriation	\$ 675,000
Total Appropriation.	\$ 8,619,367

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) \$100,000 from the grade crossing protective fund appropriation may be expended for obligations incurred in the 1973-75 biennium for the grade crossing protective program.

(2) \$115,000 from the public service revolving fund appropriation shall be expended in the transportation program to carry out a study of motor carrier statutes, chapter 81.80 RCW, for the purpose of proposing necessary changes in such statutes to the legislature. The results of such study and any recommendations shall be transmitted to the legislature and the governor prior to the next regular session of the legislature.

NEW SECTION. Sec. 43. FOR THE BOARD FOR VOLUNTEER FIREMEN

Volunteer Firemen's Relief and Pension Fund Appropriation.	\$ 76,559
Total Appropriation.	\$ 76,559

The appropriation contained in this section shall be subject to the following condition or limitation: \$5,000 shall be expended to conduct an actuarial valuation of the Volunteer Firemen's Relief and Pension Fund.

NEW SECTION. Sec. 44. FOR THE DEPARTMENT OF EMERGENCY SERVICES

General Fund Appropriation—State	\$ 407,197
General Fund Appropriation—Federal	\$ 1,765,731
Total Appropriation.	\$ 2,172,928

The appropriation contained in this section shall be subject to the following condition or limitation: The energy information and conservation center program, and the 10 FTE's requested for this function, shall not be implemented unless federal funds of \$144,618 are available for such program.

NEW SECTION. Sec. 45. FOR THE MILITARY DEPARTMENT

General Fund Appropriation	\$ 3,912,181.
Armyory Fund Appropriation.	\$ 442,034
Total Appropriation.	\$ 4,354,215

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) Not less than \$330,000 shall be expended for major maintenance and repair of installations.

(2) \$25,000 of the general fund appropriation may be expended for the national guard youth today program.

NEW SECTION. Sec. 46. FOR THE TEACHERS' RETIREMENT SYSTEM

General Fund Appropriation	\$ 99,562,353
Teachers' Retirement Fund Appropriation	\$ 1,438,216
Total Appropriation.	\$101,000,569

The appropriation contained in this section shall be subject to the following condition or limitation: Not more than \$99,562,353 of this appropriation shall be expended for contributions to the teachers' retirement system.

NEW SECTION. Sec. 47. FOR THE HIGHER EDUCATION PERSONNEL BOARD

Higher Education Personnel Board Service Fund	
Appropriation.	\$ 744,746
Total Appropriation	\$ 744,746

NEW SECTION. Sec. 48. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST

Highway Bond Retirement Fund Appropriation	\$ 79,018,501
Public School Building Bond Redemption Fund	
1959 Appropriation	\$ 4,761,588
Public School Building Bond Redemption Fund	
1961 Appropriation	\$ 7,304,615
Public School Building Bond Redemption Fund	
1963 Appropriation	\$ 8,598,029
Public School Building Bond Redemption Fund	
1965 Appropriation	\$ 2,436,230
Common School Building Bond Redemption Fund	
1967 Appropriation	\$ 6,956,060
University of Washington Bond Retirement Fund	
Appropriation	\$ 3,326,572
University of Washington Hospital Bond Retirement Fund	
Appropriation	\$ 1,251,628
Washington State University Bond Retirement Fund	
Appropriation	\$ 2,228,979
Central Washington State College Bond Retirement	
Fund Appropriation.	\$ 1,421,511
Eastern Washington State College Bond Retirement	
Fund Appropriation.	\$ 1,090,536
Western Washington State College Bond Retirement	
Fund Appropriation.	\$ 1,594,548
The Evergreen State College Bond Retirement Fund	
1967 Appropriation	\$ 208,116

State Higher Education Bond Redemption Fund	
1973 Appropriation	\$ 1,919,435
State Higher Education Bond Redemption Fund	
1974 Appropriation	\$ 1,237,306
Community College Bond Retirement Fund Appropriation	\$ 9,227,981
Community College Capital Improvement Bond Redemption	
Fund 1972 Appropriation.	\$ 2,356,600
Community College Refunding Bond Retirement Fund	
1974 Appropriation	\$ 980,496
Office-Laboratory Facilities Bond Redemption	
Fund Appropriation.	\$ 62,580
Community College Capital Construction Bond	
Redemption Fund 1975 Appropriation.	\$ 390,000
Community College Building Bond Retirement Fund	
1975 Appropriation	\$ 1,140,000
Institutional Building Bond Redemption Fund	
1957 Appropriation	\$ 3,535,720
State Building Construction Bond Redemption	
Fund Appropriation.	\$ 8,487,823
State Building and Higher Education Construction Bond	
Redemption Fund 1965 Appropriation.	\$ 8,478,420
State Building and Higher Education Construction	
Bond Redemption Fund 1967 Appropriation	\$ 9,758,391
Juvenile Correctional Institutional Building Bond	
Redemption Fund 1963 Appropriation.	\$ 621,010
General Administration Building Bond Redemption	
Fund Appropriation.	\$ 714,253
State Building and Parking Bond Redemption	
Fund 1969 Appropriation.	\$ 2,450,580
State Building Bond Redemption Fund 1967	
Appropriation	\$ 650,510
State Building Bond Redemption Fund 1973A	
Appropriation	\$ 392,071
State Building Bond Redemption Fund 1973	
Appropriation	\$ 3,405,448
Social and Health Services Facilities Bond Redemption	
Fund Appropriation.	\$ 726,560
Outdoor Recreational Bond Redemption Fund	
Appropriation	\$ 1,846,843
Recreation Improvements Bond Redemption Fund	
Appropriation	\$ 1,464,220
Water Pollution Control Facilities Bond Redemption	
Fund 1967 Appropriation.	\$ 3,866,796
Outdoor Recreational Bond Redemption Fund 1967	
Appropriation	\$ 6,324,803
State Building Authority Bond Redemption Fund	
Appropriation	\$ 9,983,305
Waste Disposal Facilities Bond Redemption Fund	
Appropriation	\$ 3,209,632
Water Supply Facilities Bond Redemption Fund	
Appropriation	\$ 1,688,756
NEW SECTION. Sec. 49. FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION	
General Fund Appropriation for fire insurance premiums	
tax distribution	\$ 1,620,000
General Fund Appropriation for all-terrain vehicles	
and snowmobile registration by counties	\$ 24,344

General Fund Appropriation for public utility district excise tax distribution	\$ 11,232,000
General Fund Appropriation for prosecuting attorneys salaries	\$ 845,625
General Fund Appropriation for Motor Vehicle Excise Tax Distribution	\$ 24,156,893
General Fund Appropriation for Camper and Travel Trailer Excise Tax Distribution	\$ 1,145,178
General Fund—Harbor Improvement Account Appropriation for harbor improvement revenue distribution	\$ 192,500
Liquor Excise Tax Fund Appropriation for liquor excise tax distribution	\$ 14,000,000
Motor Vehicle Fund Appropriation for motor vehicle fuel tax and overload penalties distribution	\$130,000,000
Liquor Board Revolving Fund Appropriation for liquor profits distribution	\$ 39,425,000
State Timber Tax Fund 'A' Appropriation for distribution to "Timber" Counties	\$ 16,191,000
State Timber Reserve Fund Appropriation for distribution to "Timber" Counties	\$ 20,664,648
Lease Hold in Lieu Tax Fund Appropriation for distribution	\$ 1,770,000

NEW SECTION. Sec. 50. There is hereby appropriated from the public transportation account within the general fund to the state treasurer for distribution for local mass transit assistance during the 1975-77 biennium the sum of \$36,000,000 or so much thereof as shall be necessary, if chapter . . . (SSB 2937), Laws of 1975 1st ex. sess., is enacted into law. If chapter . . . ((SSB 2937), Laws of 1975 1st ex. sess., is not enacted into law, there is hereby appropriated from the general fund to the state treasurer for distribution for local mass transit assistance during the 1975-77 biennium the sum of \$16,600,000 which shall be allocated to those municipalities which shall have levied the special excise tax pursuant to RCW 35.58.273 subject to the following conditions and limitations:

(1) For each of the fiscal years 1975-76 and 1976-77 the total amount of such special excise taxes levied, collected or retained by all municipalities shall be not more than eight million five hundred thousand dollars in either year of the 1975-77 biennium.

(2) During the two fiscal years from July 1, 1975, to June 30, 1977, no municipality as defined in RCW 35.58.272 which has been authorized to levy a special excise tax pursuant to RCW 35.58.273 may levy, collect, or retain an amount in each of such fiscal years greater than the maximum amount established pursuant to the following formula:

(a) Prior to June 15, 1975, and May 1, 1976, each municipality desiring to levy an excise tax during the immediately following fiscal year shall so advise the director of the department of motor vehicles. Necessary data shall be supplied by the office of program planning and fiscal management to the director of the department of motor vehicles, who shall determine the maximum amount of the excise tax levy which each qualifying municipality may levy, collect or retain pursuant to RCW 35.58.272;

(b) From the maximum amounts of the special excise tax determined pursuant to subparagraph (a) of this subsection above, the director shall subtract the amount of federal funds received pursuant to the Urban Mass Transportation Act of 1974, section 5, to the extent such funds are used for municipal transit operating subsidies;

(c) The director shall then determine for each municipality a proportionate share of the total amount specified in subsection (1) of this section so that the share of each municipality is in the same proportion as the amount for that municipality determined pursuant to subparagraphs (a) and (b) of this subsection above bears to the total amount for all municipalities pursuant to subparagraphs (a) and (b) of this subsection: PROVIDED, That

(i) If such proportional share of any municipality which shall have pledged the

revenue from any such special excise tax to secure the payment of all or part of the principal of or interest on any general obligation bonds or revenue bonds issued under RCW 35.58.279 or any other provision of law prior to June 1, 1975, will not be sufficient to meet such bond obligations, such municipalities' proportionate share shall be increased as may be necessary to meet such bond obligation; and

(ii) In no event shall the dollar amount of the proportional share of any municipality, which shall have levied the special excise tax pursuant to RCW 35.58.273 in two consecutive fiscal years, be less in the second fiscal year than in the first;

(d) Prior to June 10 of each of the years 1975 and 1976, the director shall certify the amount of such proportional share to each such municipality.

(3) All proceeds of excise taxes levied and collected in excess of the formula set forth in this section shall revert to the general fund to replace funds appropriated by this section, except as otherwise provided herein.

The term "retain" for purposes of this section means retain and/or use for the purposes for which excise taxes may be levied under RCW 35.58.273.

NEW SECTION. Sec. 51. FOR THE STATE TREASURER—FEDERAL REVENUES FOR DISTRIBUTION

Forest Reserve Fund Appropriation for forest reserve fund distribution.	\$ 30,800,000
General Fund Appropriation for federal flood control funds distribution	\$ 36,564
General Fund Appropriation for Federal grazing fees distribution	\$ 29,580

NEW SECTION. Sec. 52. DEPARTMENT OF SOCIAL AND HEALTH SERVICES.

State Funding Sources	\$ 788,523,067
Federal Funding Sources	\$ 624,364,100
Local Funding Sources	\$ 2,441,126
Total	\$1,415,328,293

The appropriations contained in sections 53 through 63 of this act shall be subject to the following conditions and limitations:

(1) The legislature recognizes that mass institutionalization and hospitalization may not be a satisfactory solution to the treatment of physical or mental disorders or the problem of criminal rehabilitation. The legislature further recognizes that proposals to modify such institutionalization and hospitalization have not been thoroughly reviewed for substance or fiscal impact in such a manner as to permit the development of sound legislative policy in these areas. Therefore, the legislature has established a budgetary position that will assure institutional provisions for the safety and well-being of all our citizens, but which restrains the modification of existing methods until questions of policy and fiscal impact have been determined by the legislature.

(2) Not later than October 1, 1975, the department shall transmit a list to the standing ways and means committees of all federal moneys received, including unanticipated receipts so noted, as of July 1, 1975, by departmental program, category, and organizational unit which list shall include the following information:

- The granting federal agency;
- A brief description and federal reference number, if applicable;
- The specific amount of money received and the purpose for which it is intended;
- The matching requirements; and
- The limiting factors, if any.

Monthly revisions to the list required by this subsection, including unanticipated receipts, shall be provided in the same manner as the original list for the remainder of the fiscal biennium.

(3) The department shall not transfer more than ten million dollars between the programs appropriated for in sections 53 through 63 of this act without specific approval of the office of program planning and fiscal management and the standing ways and means committees. The department shall notify the office of program planning and

fiscal management and the standing ways and means committees whenever any transfers are made which are within the limits established by this subsection.

(4) The department shall provide quarterly reports to the standing ways and means committees relating to the realization of all projected program savings upon which the 1975-77 departmental budget request is predicated.

(5) The department of social and health services shall establish regulations for reasonable nursing home accounting and reimbursement systems which recognize relevant cost related factors for department of social and health services patients. This shall include, but not be limited to, the scope or level of services or care, requirements of staff, physical plant, a reasonable rate of return on investment, and incentives for improved patient care within funds available to the department for nursing home care. The regulations shall provide that no payment will be made to a nursing home which does not permit inspection by the department of social and health services of every part of its premises and an examination of all records, including financial records, methods of administration, general and special dietary programs, the disbursement of drugs and methods of supply, and any other records the department deems relevant to the establishment of such a system. Not later than January 1, 1976, the department shall provide a report to the standing ways and means and social and health services committees which reviews the nursing home cost reimbursement system and other vendor payments and which includes required state and federal standards, standards maintained, all completed audits, and recommendations for legislative consideration.

(6) The department shall present fiscal and organizational zero-base data to the standing ways and means committees and the social and health services committees, by July 1, 1976, which will assist in reestablishing the budgetary base for the public health, vocational rehabilitation, and administrative and support services programs.

(7) The department shall develop a proposal for a group homes cost reimbursement system that provides incentives for improving client care. The proposal shall provide for maximum limits for described levels and kinds of care that ensure that expenditures shall be within amounts appropriated for such care. The cost reimbursement system shall also include consideration of various salary schedules necessary for the delivery of such components of care and shall also include consideration of wage and salary levels of comparable positions in the public and private sectors. The department shall submit the proposed cost reimbursement system to the standing ways and means and social and health services committees for approval prior to the implementation of the system.

(8) If the claim made by the state to the United States department of health, education, and welfare on October 24, 1972, for reimbursement in the amount of \$32,876,903 is sustained in whole or in part such funds and any other similar funds received by the state shall be deposited by the state treasurer in Suspense Fund 705 and no allocation or disbursement from such fund shall be made except as specifically authorized by legislative enactment.

All disputes arising between the state and the United States department of health, education, and welfare involving the state's claim or claims to federal reimbursement of state expenditures as provided by the applicable provisions of the federal social security act which would have the effect of reducing or increasing any appropriation or any part thereof as set forth in this act shall be negotiated and settled only with the consent of a majority of the members of the respective ways and means committees of the legislature.

The sum of \$5,508,264 currently held by the state treasurer in Suspense Fund 705 pending the completion of federal review of the legitimacy of the aforementioned claim for such moneys shall continue to be held and no allocation or disbursement from such funds shall be made without specific authorization by legislative enactment, except to repay the federal government if necessary.

If the department of social and health services claims additional matching for the period of October 1, 1972, through June 30, 1973, or any portion thereof, or for any other period, such moneys shall be deposited by the state treasurer in Suspense Fund 705 and no allocation or disbursement from such fund shall be made except as specifically authorized by legislative enactment.

(9) The department shall deploy personnel in such a manner as to insure, insofar as is possible, that ineligible persons shall be removed from current caseloads, errors resulting in overpayments or underpayments to recipients shall be corrected, efforts shall be made to insure that only eligible individuals are added to the public assistance caseloads, and that caseloads are kept within the estimates for which funds are provided by this act.

Compliance with this act and the attempt to contain caseloads within acceptable limits shall be accomplished but, notwithstanding the provisions of RCW 74.08.040, the department of social and health services shall not impose ratable reductions, or any other form of reduction in public assistance grants which are in addition to, or in any way lower than the maximums presently imposed.

(10) It is the intent of the legislature that the department shall not initiate any new or additional programs or services in any of the agency's programs beyond those authorized in sections 52 through 62 of this act without prior approval of the ways and means committees of the legislature.

NEW SECTION. Sec. 53. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ADULT CORRECTIONS AND REHABILITATION PROGRAM

General Fund Appropriation—State	\$ 58,965,602
General Fund Appropriation—Federal	\$ 2,277,018
Total Appropriation	\$ 61,242,620

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) The department shall expend not more than 3,299.0 FTE staff years within the adult corrections program during the 1975-77 biennium.

(2) Probation and parole case service may be expanded by an expenditure level not to exceed \$1,948,568 (including \$1,648,568 from federal funds) and a staffing level not to exceed 146.0 FTE's.

(3) It is the intent of the legislature that a specialized caseload diversion project may be initiated in community rehabilitative services at an expenditure level not to exceed \$376,683 (including \$336,683 from federal funds) and a staffing level not to exceed 30.0 FTE's.

(4) The programs at the Washington state reformatory's Trails End Farm may be expanded to accommodate an additional 50 residents by expansion of the expenditure level in an amount not to exceed \$82,876 and by expansion of the staffing level not to exceed 7.0 FTE's.

(5) The custody and night security staffing levels at rehabilitative institutions may be expanded by an amount not to exceed \$368,559 and an additional staffing level not to exceed 32.0 FTE's.

(6) In order to achieve a balanced counselor/inmate ratio at state correctional institutions, \$258,888 and an additional staffing level not to exceed 24.0 FTE's shall be expended for institutional classification counselors.

(7) \$1,213,766 and additional staffing not to exceed 116.0 FTE's in excess of the current level, shall be expended for staff coverage as required by the department's institutional post assignment survey.

(8) It is the intent of the legislature that \$1,670,130 (including \$291,767 from federal funds) with a staffing level not to exceed 52.0 FTE's shall be expended within the program for the special projects category.

(a) Such expenditures shall include \$770,000 and 24.0 FTE's for the establishment and operation of a minimum-to-moderate correctional center at Firlands. Not later than January 15, 1976, the department shall submit a detailed report to the standing ways and means committees, social and health services committees, and judiciary committees relating to the operational policies and procedures at the Firlands facility. Such report shall specifically include substantiated information relating to the department's ability to obtain community involvement and acceptance of the Firland's facility.

(b) \$85,000 of the general fund appropriation — state shall be expended, pursuant

to chapter 81, Laws of 1974 ex. sess., to maintain the present city-county jail commission and to complete the study called for in the act.

(c) \$63,750 in the special project category shall be transferred to the department of employment security for completion of a corporate task force on corrections planning study by December 1, 1975, to determine the possibility of a private nonprofit organization participating in administering a pilot adult correctional rehabilitation program. This expenditure authorization is contingent upon the provision of at least \$21,250 in additional funds from six or more major private corporations to assist in completion of this study, the results of which will determine further state participation in the private pilot rehabilitation correctional program.

(d) \$250,000 or as much thereof as shall be required, may be expended for the development of a phased comprehensive plan related to a community based correctional system. The department, prior to January 1, 1976, shall submit a report on such plan to the standing ways and means committees, social and health services committees, and judiciary committees. Such report shall include, but not be limited to, plans encompassing the following:

- (i) An improved classification system;
- (ii) Deactivation of existing facilities;
- (iii) Uses for existing facilities;
- (iv) Cost estimates for all phases of implementation;
- (v) Custody improvement;
- (vi) Counseling improvement procedures;
- (vii) Vocational and educational methods improvement;
- (viii) An improved work release program strategy;
- (ix) An improved probation procedure;
- (x) Facilities, floor plan concept; and
- (xi) Site selection procedures.

A segment on "Community Participation: Plans, Policy, and Procedures" is to be included in the report. The department shall describe in a detailed manner the procedures and steps to be used to insure that community participation will be included as a special process in the development of a community based corrections program. The methodology of participation shall assure the legislature that community involvement and acceptance will be an integral part of proposed community based correction centers.

NEW SECTION. Sec. 54. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR THE JUVENILE REHABILITATION SERVICES PROGRAM

General Fund Appropriation—State	\$ 35,228,509
General Fund Appropriation—Federal	\$ 548,079
Total Appropriation.	\$ 35,776,588

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) The department shall expend not more than 1,903.8 FTE staff years within the juvenile rehabilitation services program during the 1975-77 biennium.

(2) \$1,263,949 and a staffing level not to exceed 54.0 FTE's shall be expended for continued operation of the current delinquency prevention and control program. The department shall provide, in a report to the standing ways and means committees no later than December 1, 1976, a detailed description of the program goals and objectives, identification of service needs, eligibility criteria for services, work load indicators, and measurements of the program's effectiveness together with an estimated six-year operational plan.

(3) \$251,178 and a staffing level not to exceed 15.0 FTE's shall be expended for the Richland group home during the 1975-77 biennium.

(4) \$36,710 and a staffing level not to exceed 4.0 FTE's shall be expended for additional night security at Cedar Creek and Mission Creek youth camps.

(5) It is the intent of the legislature that \$4,413,449 (including \$7,200 from federal

funds) and a total staffing level of 285.7 FTE's shall be expended for the continued operation of the Green Hill juvenile facility.

(6) The department is authorized to provide child welfare services to a person who at the time of attaining the age of eighteen years is receiving such services pursuant to chapter 74.13 RCW and who is attending school through the completion of the recipient's high school program but in no event shall such services be extended beyond the age of twenty-one years.

(7) The department shall develop and report to the standing ways and means and social and health services committees by October 1, 1976, a description of operational procedures and cost structures relating to juvenile group homes.

NEW SECTION. Sec. 55. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR THE MENTAL HEALTH PROGRAM

General Fund Appropriation—State	\$ 64,983,071
General Fund Appropriation—Federal	\$ 9,464,090
General Fund Appropriation—Local	\$ 260,000
Total Appropriation.	\$ 74,707,161

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) The department shall expend not more than 2,527.4 FTE staff years within the mental health program during the 1975-77 biennium.

(2) \$7,700,000 shall be expended for additional community mental health grants. Not later than January 1, 1976, the department shall submit a report to the standing ways and means committees, social and health services committees, and the office of program planning and fiscal management on each community mental health facility which receives state funds and each such report shall contain the following information:

- (a) The managing authority;
- (b) Treatment services offered;
- (c) Criteria for treatment services;
- (d) Criteria for client eligibility;
- (e) Total number of individual clients requesting services;
- (f) Total number of individuals receiving services by type of service rendered;
- (g) Priority of treatment and clients;
- (h) Fee structure;
- (i) Itemized revenue by source;
- (j) Itemized positions compensated for and the respective amounts received by: (i) salary or wages; (ii) personal service contracts; or (iii) fees for services rendered; and
- (k) A summary of expenditures to date.

(3) Not later than October, 1976, the department shall furnish proposed standards for community mental health facilities to the standing ways and means committees, social and health services committees, and the office of program planning and fiscal management.

(4) \$1,103,690 shall be expended under the special projects category, of which \$1,053,690 shall be for the establishment of long-term chronic alcoholism treatment centers. Not later than December 31, 1976, the department shall furnish the standing ways and means committees, the social and health services committees, and the office of program planning and fiscal management the following data on each facility receiving a portion of such funds through grants:

- (a) Local agency responsible;
- (b) Total individual clients requesting or referred for services and the total number of those receiving treatment;
- (c) Criteria for client eligibility;
- (d) Total number of individual clients who repeat treatment;
- (e) Treatment services offered and the criteria for treatment;
- (f) The priorities of treatment and clients;
- (g) Fee structure;
- (h) Itemized revenue by source;
- (i) Itemized positions compensated for and the respective amounts received by:

(i) Salary or wages; (ii) personal service contracts; or (iii) fees for services rendered; and

(j) A summary of expenditures through October, 1976.

NEW SECTION. Sec. 56. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR THE DEVELOPMENTAL DISABILITIES PROGRAM

General Fund Appropriation—State	\$ 87,883,771
General Fund Appropriation—Federal	\$ 11,997,451
General Fund Appropriation—Local	\$ 40,896
Total Appropriation.	\$ 99,922,118

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) The department shall expend not more than 5,966.7 FTE staff years within the developmental disabilities program during the 1975-77 biennium.

(2) \$2,415,693 shall be utilized for increased vendor rates for training centers and group homes.

(3) Not later than October 1, 1976, the department shall furnish the standing ways and means committees, the social and health services committees, and the office of program planning and fiscal management with the following information for each developmental disability group home and center receiving state funds:

- (a) Management responsibility;
- (b) Care and rehabilitative programs available and their criteria;
- (c) Criteria for eligibility;
- (d) Persons served;
- (e) Detailed source of revenue;
- (f) Itemized positions compensated for and the respective amounts received by: (i)

Salary and wages; (ii) personal service contracts; and (iii) fees for services rendered; and

(g) Summary of expenditures through August, 1976.

(4) \$250,000 or as much thereof as shall be required, may be expended for the development of a phased comprehensive plan related to the implementation of state group homes and developmental disability training centers. This plan shall include, but not be limited to, the following:

- (a) Location;
- (b) Preliminary floor and layout plans;
- (c) Projected staffing and operational cost requirements;
- (d) Cost estimates and projections;
- (e) Criteria for resident assignment;
- (f) Relationship to institutions; and
- (g) Initial and future management responsibility.

(5) \$95,000 (including \$45,000 from federal funds) shall be expended to fund the construction of a residential hall at the Antonian Home for Special Children.

(6) Not later than October 1, 1976, the department shall furnish proposed standards for developmental disability centers and group homes to the standing ways and means committees, the social and health services committees, and the office of program planning and fiscal management.

(7) Holly Ridge Developmental Center shall continue to be provided with facilities at Olympic Center without rental or lease cost for space utilized by such program.

(8) A program for home aide services shall be initiated by the expenditure of \$760,000.

(9) \$2,139,489 and increased staff authorization not to exceed 175.0 FTE's are included in the institutional rehabilitationservices category and shall be utilized to expand institutional staff levels.

NEW SECTION. Sec. 57. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR THE VETERANS' SERVICE PROGRAM

General Fund Appropriation—State	\$ 9,203,589
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General Fund Appropriation—Local	\$ 675,790
Total Appropriation.	\$ 9,879,379

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) The department shall expend not more than 663.0 FTE staff years within the veterans' service program during the 1975-77 biennium.

(2) It is the intent of the legislature that the department shall continue its present program of service provision through both state and contract offices at the current level of operation.

(3) \$645,064 and additional staff not to exceed 43.4 FTE's shall be expended to upgrade the veteran homes nursing components to skilled nursing home status.

(4) \$62,303 and additional staff not to exceed 4.0 FTE's shall be expended to provide additional guardianship services.

(5) \$98,511 shall be expended to provide support services formerly paid for by the residents' welfare fund.

(6) It is the intent of the legislature that the department of social and health services shall not phase out domiciliary care in the Veterans' Home at Retsil and the Soldiers' Home and Colony at Orting. Nothing in this condition shall preclude the department from moving residents between nursing and domiciliary care in order to better utilize facilities.

(7) The department of social and health services shall promulgate rules and regulations pursuant to chapter 34.04 RCW not later than October 1, 1975, which shall define eligibility standards for membership in the Washington Veterans' and Soldiers' homes. Such rules and regulations shall include a definition of "allowable income". The allowable income of members accepted for membership shall not be decreased below \$140.00 per month during periods that such members are being provided care.

All income of members of the Veterans' Home in excess of allowable income shall be deposited in the Veterans' Home Revolving Fund which is hereby created. Disbursements from the revolving fund shall be for the welfare and benefit of all members of the Veterans' Home and such disbursements shall be an authorization of the superintendent of the home or his duly authorized representative after approval has been received from a duly constituted body representative of the members. In order to maintain an effective expenditure and revenue control the Veterans' Home Revolving Fund shall be subject in all respects to chapter 43.88 RCW but no appropriation shall be required to permit expenditures from such fund.

All income of members of the Soldiers' Home in excess of allowable income shall be deposited in the Soldiers' Home Revolving Fund which is hereby created. Disbursements from the revolving fund shall be for the welfare and benefit of all members of the Soldiers' Home and such disbursements shall be on authorization of the superintendent of the home or his duly authorized representative after approval has been received from a duly constituted body representative of the members. In order to maintain an effective expenditure and revenue control the Soldiers' Home Revolving Fund shall be subject in all respects to chapter 43.88 RCW but no appropriation shall be required to permit expenditures from such fund.

NEW SECTION. Sec. 58. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR THE INCOME MAINTENANCE PROGRAM

General Fund Appropriation—State	\$222,874,051
General Fund Appropriation—Federal	\$210,119,989
Total Appropriation.	\$432,994,040

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) The department shall expend not more than 3,162.0 FTE staff years within the income maintenance program during the 1975-77 biennium.

(2) It is the intent of the legislature that \$48,709,432 (including \$15,661,413 from federal funds) shall be utilized for the purpose of upgrading maintenance grant standards by ten percent for the 1975-77 biennium.

(3) The department shall develop revised program standards for continuing general assistance after first developing adequate caseload profile information including, but not limited to:

- (a) Medical determination of physical or mental disabilities;
- (b) Stringent eligibility criteria associated with emotional alcoholism, or drug connected cases;
- (c) Adequate evaluation of treatment programs; and
- (d) An approval process for such treatment programs.

In addition, the department shall submit such proposed revised standards, with control systems and cost estimates to the standing ways and means committees and the office of program planning and fiscal management, together with substantiating data relating actual versus estimated caseloads, no later than December 1, 1975.

(4) Monthly reporting of earned income may be implemented but recipient grant payments shall remain on a monthly basis.

(5) In order to provide a partial solution to the pending issues inherent in the continuing general assistance grant caseloads, it is the intent of the legislature that the department make all possible efforts to transfer up to 600 general assistance grant recipients to the CETA programs.

(6) \$1,620,366 shall be expended to continue the provision of general assistance to needy unemployment compensation recipients.

(7) \$58,502 of which \$20,148 shall be from federal funds and a staffing level not to exceed 5.7 FTE's shall be expended for staffing at the Puyallup office.

(8) It is the intent of the legislature that the department shall exercise all administrative alternatives and every effort shall be made in state-supported nursing home care programs to preclude the move of a patient from a skilled nursing facility to an intermediate care facility unless an intermediate care facility is available in the community where such patient presently resides.

NEW SECTION. Sec. 59. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR COMMUNITY SOCIAL SERVICES PROGRAM

General Fund Appropriation—State	\$ 43,386,867
General Fund Appropriation—Federal	\$ 71,004,325
General Fund Appropriation—Local	\$ 500,000
Total Appropriation.	\$114,891,192

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) The department shall expend not more than 3,134.9 FTE staff years within the community social services program during the 1975/77 biennium.

(2) Not later than October 1, 1976, the department shall report to the standing ways and means committees and the social and health services committees the following information relating to the retained community social services:

- (a) The type of service and each local office rendering such service;
- (b) Determination of the clientele for each type of service;
- (c) The total number of persons referred for services for each type of service; and
- (d) The total number of persons receiving services for each type of service offered.

(3) The department shall retain its volunteer coordinators at 40 FTE's during the 1975-77 biennium.

(4) \$1,874,641 (including \$1,302,501 from federal funds) and a staffing level of 204.0 FTE's shall be utilized to expand Homemaker Services.

(5) Priority utilization of homemakers shall be made when such service is related to employment of a grant recipient or to retention of an individual in a home environment.

(6) \$1,465,201 (including \$166,536 from federal funds) shall be utilized for expanded child care services.

(7) An additional \$859,409 (including \$597,117 from federal funds) and a staffing level not to exceed 48.0 FTE's shall be expended for increased protective child services.

(8) \$6,694,762 (including \$3,156,396 from federal funds) shall be expended for increased vendor rates as recommended by the governor.

(9) \$1,316,939 (including \$1,185,245 from federal funds) shall be expended for increased family planning services.

(10) \$390,684 of federal funds and a staffing level not to exceed 6.0 FTE's shall be expended to implement the senior companion program as a special project. Not later than October 1, 1976, the department shall report the progress of such project to the standing ways and means committees and the social and health services committees.

NEW SECTION. Sec. 60. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR THE MEDICAL ASSISTANCE PROGRAM

General Fund Appropriation—State	\$214,049,977
General Fund Appropriation—Federal	\$218,900,215
Total Appropriation.	\$432,950,192

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) The department shall expend not more than 1,107.9 FTE staff years within the medical assistance program during the 1975-77 biennium.

(2) \$6,593,274 (including \$2,799,355 from federal funds) may be expended for caseload increases in medical assistance grants.

(3) \$93,006 (including \$45,461 from federal funds) shall be expended for standards and vendor rate increases within the prevention of blindness category.

(4) \$33,416,041 (including \$16,661,392 from federal funds) shall be expended for vendor rate adjustments for inflation.

(5) \$2,133,560 (including \$1,133,560 from federal funds) may be expended for the early periodic screening, detection, and treatment program for children.

(6) Adult dental care shall be restricted to acute and emergent treatment only.

(7) The department shall continue the hospital length of stay at the seventy-fifth percentile of the national patient average stay (PAS).

(8) The department of social and health services shall develop a plan for expanding the enrollment of medical assistance recipients in health maintenance organizations (HMO's). Health maintenance organizations shall be defined as any organization which provides comprehensive health care services directly to enrolled participants of such organization on a group practice per capital prepayment basis. The plan to be developed shall include a pilot project to provide for an expanded enrollment of medical assistance recipients in health maintenance organizations in four counties, consisting of Snohomish, King, Pierce, and Thurston. The goal will be to increase enrollment by at least 10,000 additional medical assistance recipients during the 1975-77 biennium.

(9) The department is authorized to enter into a contract for mechanized Medicaid payment process (Title XIX) by the expenditure of up to \$5,853,000 (including \$4,489,750 from federal funds).

NEW SECTION. Sec. 61. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR THE PUBLIC HEALTH PROGRAM

General Fund Appropriation—State	\$ 14,325,172
General Fund Appropriation—Federal	\$ 36,307,950
Total Appropriation.	\$ 50,633,122

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) The department shall expend not more than 818.8 FTE staff years within the public health program during the 1975-77 biennium.

(2) \$187,364 (including \$140,525 from federal funds) and an additional staffing level not to exceed 13.0 FTE's shall be expended in the expansion of licensing and certification.

(3) \$15,357 of federal funds and 1.0 FTE shall be expended to conduct a special project on woodworking industry mortality.

(4) \$141,640 from federal funds and a staffing level not to exceed 6.0 FTE's shall be expended for workload increases in maternal child health services.

(5) \$300,000 shall be expended for additional grants to counties for immunization supplies.

(6) \$1,396,000 (including \$976,955 from federal funds) shall be expended for increased birth defect detection and counseling grants.

(7) \$145,290 and a staffing level not to exceed 9.0 FTE's shall be expended for workload increases in vital statistics and laboratory services.

NEW SECTION. Sec. 62. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR THE VOCATIONAL REHABILITATION PROGRAM

General Fund Appropriation—State	\$ 5,209,012
General Fund Appropriation—Federal	\$ 36,687,233
General Fund Appropriation—Local	\$ 964,440
Total Appropriation.	\$ 42,860,685

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) The department shall expend not more than 757.5 FTE staff years within the vocational rehabilitation program during the 1975-77 biennium.

(2) \$1,501,386 (including \$1,410,316 from federal funds) shall be expended for increased client training services.

(3) \$844,440 shall remain in reserve allotment to be utilized for required match for federal funds.

(4) \$360,000 (including \$270,000 from federal funds) shall be expended for services to the blind and physically handicapped by reimbursing the state library for providing such services.

(5) The department shall provide quarterly reports to the standing ways and means committees relating to the receipt of local funds. Such report shall contain an enumeration of the difficulties, if any, in the receipt of such funds.

NEW SECTION. Sec. 63. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR ADMINISTRATION AND SUPPORTING SERVICES PROGRAM

General Fund Appropriation—State	\$32,413,446
General Fund Appropriation—Federal	\$27,057,750
Total Appropriation.	\$59,471,196

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) The department shall expend not more than 2,981.9 FTE staff years within the administration and supporting services program during the 1975-77 biennium.

(2) \$10,479,205 (including \$4,013,792 from federal funds) and a staffing level not to exceed 570.0 FTE's shall be expended within the information system category.

(3) It is the intent of the legislature that \$25,000 of the general fund appropriation—state shall be available for grants in support of the Special Olympics for Mentally Retarded Children program. No portion of these funds shall be used for fund raising or other consultant services.

(4) \$672,151 (including \$268,861 from federal funds) and a staffing level not to exceed 52.6 FTE's shall be expended to increase workload in reimbursement and collection category.

(5) \$678,362 (including \$261,169 from federal funds) and a staffing level not to exceed 36.0 FTE's shall be expended for increased nursing home auditors.

(6) \$705,478 (including \$271,609 from federal funds) and a staffing level not to exceed 28.0 FTE's shall be expended for increased performance and fiscal audit teams.

(7) \$272,466 (including \$108,987 from federal funds) and a staffing level not to exceed 18.0 FTE's shall be expended for increased fraud investigators.

(8) \$6,611,187 entirely from federal funds, and a staffing level not to exceed 65.0 FTE's shall be expended for special projects.

(9) \$315,577 (including \$126,231 from federal funds) and 19.0 FTE's shall be expended for increased quality control in SSI and Title XIX areas for standard setting and program analysis.

NEW SECTION. Sec. 64. DEPARTMENT OF SOCIAL AND HEALTH SERVICES—REAPPROPRIATIONS

General Fund Reappropriation—State	\$ 7,839,000
General Fund Reappropriation—Federal	\$ 350,952
Total Reappropriation	\$ 8,189,952

The reappropriations contained in this section shall be subject to the following conditions and limitations:

(1) \$7,327,000 shall be for medical services and supplies not in excess of the unexpended balance of the 1973-75 appropriations or allotments for this purpose. Within this amount, the following programs shall be included:

- (a) Mental health, \$175,000;
- (b) Income Maintenance, \$2,000;
- (c) Community social services, \$1,125,000;
- (d) Medical assistance, \$6,000,000; and
- (e) Vocational rehabilitation, \$25,000.

(2) \$512,000 shall be for grants to communities for mental retardation construction grants from the developmental disabilities program not in excess of the unexpended balance of the 1973-75 appropriations or allotments for this purpose.

(3) \$350,952 from federal funds shall be for innovation and expansion projects in the vocational rehabilitation program not in excess of the unexpended balance of the 1973-75 appropriation or allotments for this purpose.

NEW SECTION. Sec. 65. FOR THE PLANNING AND COMMUNITY AFFAIRS AGENCY

General Fund Appropriation—State	\$ 5,412,059
General Fund Appropriation—Federal	\$ 122,715,237
Total Appropriation	\$ 128,127,296

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) Whenever the planning and community affairs agency receives anticipated federal grants which exceed the amount intended for a specific activity by more than fifty thousand dollars or increases the FTE staff years related thereto, then the agency shall not expend such amounts without review by and prior approval of the legislative budget committee.

(2) Whenever the planning and community affairs agency receives federal grants which have not been included in the appropriations contained in this section, then the agency shall not expend such amounts without review by and prior approval of the legislative budget committee.

(3) It is the intent of the legislature that state funds which are appropriated for the specific purpose of matching a federal grant and which are not used for that purpose shall be reverted at the end of the biennium.

(4) Not later than August 15, 1976, the agency shall transmit a list to the standing ways and means committees of all federal moneys received, including unanticipated receipts so noted, as of July 1, 1975, by agency program, category, and organizational unit which list shall include the following information:

- (a) The granting federal agency;
- (b) A brief description and federal reference number, if applicable;
- (c) The specific amount of money received and the purpose for which it is intended;
- (d) The matching requirements; and
- (e) The limiting factors, if any.

Monthly revisions to the list required by this subsection, including unanticipated receipts, shall be provided in the same manner as the original list for the remainder of the fiscal biennium.

(5) Not more than \$1,507,912 (including \$523,245 from federal funds) shall be expended for the administration and support services program.

(6) Not more than \$6,049,511 (including \$5,518,462 from federal funds) shall be expended for the community planning program.

(7) Not more than \$120,569,873 (including \$116,673,530 from federal funds) shall

be expended for the human resources planning program.

(8) It is the intent of the legislature that the office of voluntary action shall present a detailed report of its planned activities and its estimated accomplishments during the 1975-77 biennium to the standing ways and means committees on or before January 1, 1976.

(9) It is the intent of the legislature that funds from the appropriations contained in this section shall not be expended to provide for toll-free telephone services.

NEW SECTION. Sec. 66. FOR THE HUMAN RIGHTS COMMISSION

General Fund Appropriation—State	\$ 1,508,984
General Fund Appropriation—Federal	\$ 82,000
General Fund Appropriation—Local	\$ 96,000
Total Appropriation.	\$ 1,686,984

NEW SECTION. Sec. 67. FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS

Accident Fund Appropriation	\$ 988,318
Medical Aid Fund Appropriation	\$ 988,317
Total Appropriation.	\$ 1,976,635

NEW SECTION. Sec. 68. FOR THE WASHINGTON STATE CRIMINAL JUSTICE TRAINING COMMISSION

General Fund Appropriation—State	\$ 544,196
General Fund Appropriation—Federal	\$ 2,281,666
Total Appropriation.	\$ 2,825,862

NEW SECTION. Sec. 69. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund Appropriation—State	\$ 5,396,030
General Fund Appropriation—Federal	\$ 60,000
Accident Fund Appropriation	\$ 18,457,844
Medical Aid Fund Appropriation	\$ 16,577,497
Plumbing Certificate Fund Appropriation.	\$ 74,100
Electrical License Account Appropriation	\$ 3,035,849
Total Appropriation.	\$ 43,601,320

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) It is the intent of the legislature that not more than \$1,200,000 shall be expended for the Automated Records Management System (ARMS) under the Industrial Insurance Program, and that the department shall abolish sixty-five positions in the Industrial Insurance Program not later than January 30, 1977, as the result of such implementation of ARMS.

(2) \$786,669 of the general fund appropriation shall be expended, pursuant to chapter 122, Laws of 1973 1st ex. sess. and RCW 7.86.160, for the payment of claims to provide relief for victims of criminal acts committed between January 1, 1972, and July 1, 1974. Of such amount, \$118,408 shall be for administrative and appeals costs based upon the enactment of chapter . . . , Laws of 1975 1st ex. sess. (SB 2070).

(3) Upon the enactment of chapter . . . , Laws of 1975 1st ex. sess. (ESSB 2408), \$315,743 of the general fund appropriation—state moneys shall be transferred from the department of labor and industries to the public employment relations commission created by such chapter.

NEW SECTION. Sec. 70. FOR THE BOARD OF PILOTAGE COMMISSIONERS

General Fund Puget Sound Pilotage Account Appropriation	\$ 15,490
Total Appropriation.	\$ 15,490

NEW SECTION. Sec. 71. FOR THE BOARD OF PRISON TERMS AND PA-ROLES

General Fund Appropriation	\$ 1,213,444
Total Appropriation.	\$ 1,213,444

NEW SECTION. Sec. 72. FOR THE HOSPITAL COMMISSION

General Fund Appropriation	\$ 517,554
Total Appropriation.	\$ 517,554

NEW SECTION. Sec. 73. FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund Appropriation—State	\$ 2,037,772
General Fund Appropriation—Federal	\$ 43,786,684
Unemployment Compensation Administration Fund	
Appropriation—State	\$ 61,479,210
Unemployment Compensation Administration Fund	
Appropriation—Federal	\$ 500,000
Administrative Contingency Fund Appropriation	\$ 200,000
Total Appropriation.	\$108,003,666

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) \$40,000 of general fund—federal appropriation shall be utilized for services of an additional assistant attorney general.

(2) \$1,000,000 of the state general fund appropriation shall be expended for continuation during the period from July 1, 1975, to June 30, 1976, of the Program for Local Services in which full time, stipended volunteers shall spend one year in service to local government agencies and private, nonprofit corporations. The program shall provide recruitment, placement, training, and support of volunteers in nonstaff activities which focus on human, social and environmental services. A report on the placement of volunteers under this program shall be provided to the legislature not later than January 15, 1976. Federal funds shall be expended in lieu of state funds if such federal funds become available for this program.

(3) \$500,000 of the unemployment compensation administration fund appropriation—federal contained in this section shall be expended by the department under the direction of the commissioner of the employment security department for the purpose of paying for rents and premises of the employment security department and for the purpose of paying the legally authorized and required salaries and fringe benefits to the employees of the employment security department, in the event and to the extent that the United States or its agents fail or refuse to supply sufficient current obligational authority to make such payments to provide needed facilities necessary to carry out the activities of the employment security department of the state of Washington. The amount appropriated pursuant to this subsection during any twelve-month period beginning on July 1, 1975, and ending June 30, 1976, shall not exceed the amount by which (a) the aggregate of the amount credited to the account of this state pursuant to section 903 of the Social Security Act during such twelve-month period and the twenty-four preceding twelve-month periods exceeds (b) the aggregate of the amounts obligated for the administration and paid out for benefits and charged against the amounts credited to the account of the state during such twenty-five twelve-month period.

(4) \$90,000 of the general fund appropriation—state contained in this section shall be expended for the continuation and implementation of an experimental program leading to employment of mentally retarded persons currently in activity centers, sheltered workshops, and group homes or schools for the mentally retarded. This program shall include employment preparation, diagnostic orientation and testing, academic tutoring, social adjustment, orientation to employment and employment relationships, job search and placement, and employer orientation to provide employers of the trainees with an understanding of the unique assets and limitations of the mentally retarded as they relate to employment responsibilities. The program shall provide for financial penalties to the extent that such performance objectives are not met, and a new, competitive bid process be employed which stresses assessment of past performance by interested potential contractors.

A report on the activities and progress of this program shall be made to the standing ways and means committees no later than December 1, 1975, and December 1, 1976, including, but not limited to:

- (a) The contractors assigned;
- (b) The amount and purpose of the contract; and
- (c) A detailed description of services performed.

(5) \$175,000 of the general fund appropriation—state contained in this section shall be expended for the continuation and further development of a program for the delivery of specialized employment services to persons previously convicted of a felony. All offenders receiving parole stipend moneys shall actively participate in preemployment counseling and placement programs approved by the department of employment security and refusal to participate in programs authorized by this subsection shall result in termination of any post release stipend being provided to said felons. The department shall contract for the development of such a program after calling for competitive bids. Contracts awarded under this subsection shall contain performance specifications and financial penalties to the contractor in the event of nonperformance, and a new, competitive bid process be employed which stresses assessment of past performance by interested potential contractors.

A report on the activities and progress of this program shall be made to the standing ways and means committees no later than December 1, 1975, and December 1, 1976, including, but not limited to:

- (a) The contractors assigned;
- (b) The amount and purpose of the contract; and
- (c) A detailed description of services performed.

(6) \$300,000 of the general fund appropriation—state contained in this section shall be expended for continuation of an ongoing performance oriented program of moving unemployed persons to full time employment: PROVIDED FURTHER, That a new, competitive bid process be employed which stresses assessment of past performance by interested potential contractors. A report on the activities and progress of this program shall be made to the standing ways and means committees no later than December 1, 1975, and December 1, 1976, including, but not limited to:

- (a) The contractors assigned;
- (b) The amount and purpose of the contract; and
- (c) A detailed description of services performed.

(7) \$150,000 of the general fund appropriation—state and \$600,000 of the general fund appropriation—federal contained in this section shall be expended to implement the intent of the legislature that new and innovative efforts be made to assist, through concentrated and more effective use and coordination of federal, state, and local government training and employment programs, those persons in the state of Washington who are unemployed and who, to again become productively employed, must make career changes for economic, technological, or health reasons. It is also intended that these efforts be concentrated principally toward the utilization of existing government programs and facilities and particularly the CETA programs and related programs and facilities of the departments of social and health services and employment security.

The appropriation contained in this subsection is to fund a pilot program that shall include career change centers that will provide diagnostic services, family, resource and situational counseling, supporting services, job training, and search and placement for the target population.

The department of employment security shall be responsible for contracting and management of this program and other involved state agencies shall provide program and facilities support as determined reasonable and necessary by the department of employment security.

The planning and community affairs agency shall provide to the department of employment security the necessary CETA funds required to implement this program including counties with a population of 100,000 or less.

The career change center component of this program shall be let for competitive bid to qualified private educational and manpower training agencies with the contracts to specify performance criteria and substantial financial penalties for nonperformance.

A report on the activities and progress of this program shall be made to the

standing ways and means committees no later than December 1, 1975, and December 1, 1976, including, but not limited to:

- (a) The contractors assigned;
- (b) The amount and purpose of the contract; and
- (c) A detailed description of services performed.

(8) \$75,000 of the general fund appropriation—state shall be expended to implement the intent of the legislature that a program be instituted through contracts with private training schools for the delivery of training and placement services to persons applying at food banks. The contracts for services shall be based on performance criteria with significant penalties for nonperformance, and contractors shall be chosen on a competitive basis by the department of employment security. The department shall administer the program and shall report the combined results of this project as well as the prior project carried out under section 22, chapter 197, Laws of 1974 ex. sess., to the legislature in January.

NEW SECTION. Sec. 74. FOR THE DEPARTMENT OF TRANSPORTATION
 General Fund—Public Transportation Account Appropriation . . . \$ 553,400
 Total Appropriation. \$ 553,400

The appropriation contained in this section shall be subject to the following condition or limitation: Expenditure is contingent upon the enactment of chapter . . . , Laws of 1975 1st ex. sess. (SSB 2535).

NEW SECTION. Sec. 75. FOR THE COMPACT FOR EDUCATION
 General Fund Appropriation \$ 35,000
 Total Appropriation. \$ 35,000

NEW SECTION. Sec. 76. FOR THE COUNCIL ON HIGHER EDUCATION
 General Fund Appropriation—State \$ 8,602,978
 General Fund Appropriation—Federal \$ 860,000
 Total Appropriation. \$ 9,462,978

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) The council shall submit a report to the legislature and the governor not later than July 1, 1976, concerning the results of the Technological Clearinghouse and its achievements in improving the understanding of and opportunities for technological education in this state and the need for possible future funding for such purpose.

(2) \$242,000 shall be expended for the Western Interstate Commission for Higher Education and \$171,300 of such funds shall be expended to financially assist the education of Washington students enrolled in optometry programs in other western states through the WICHE student exchange program.

NEW SECTION. Sec. 77. FOR THE WASHINGTON STATE HISTORICAL SOCIETY
 General Fund Appropriation \$ 397,970
 Total Appropriation. \$ 397,970

NEW SECTION. Sec. 78. FOR THE AMERICAN REVOLUTION BICENTENNIAL COMMISSION
 General Fund Appropriation—State \$ 214,012
 General Fund Appropriation—Federal \$ 250,000
 Total Appropriation. \$ 464,012

NEW SECTION. Sec. 79. FOR THE WASHINGTON STATE ARTS COMMISSION
 General Fund Appropriation—State \$ 326,781
 General Fund Appropriation—Federal \$ 825,000
 Total Appropriation. \$ 1,151,781

The appropriations contained in this section shall be subject to the following conditions or limitation: \$127,170 of grants shall be expended for continuation of the Center for Creativity at Fort Worden.

NEW SECTION. Sec. 80. FOR THE STATE CAPITOL HISTORICAL ASSOCIATION

General Fund Appropriation	\$ 273,506
General Fund—State Capitol Historical Association	
Museum Account Appropriation	\$ 20,000
Total Appropriation.	\$ 293,506

NEW SECTION. Sec. 81. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

General Fund Appropriation	\$ 302,875
Total Appropriation.	\$ 302,875

NEW SECTION. Sec. 82. FOR THE STATE LIBRARY

General Fund Appropriation—State	\$ 6,953,334
General Fund Appropriation—Federal	\$ 960,315
General Fund Appropriation—Private	\$ 802,000
Total Appropriation.	\$ 8,715,649

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) Not less than \$474,000 shall be expended for library services to the blind and handicapped by interagency reimbursement from the department of social and health services.

(2) \$10,000 shall be expended to conduct a study of the feasibility and alternatives to a library materials central storage facility for both public and academic libraries. Such study shall be coordinated by the state library with representatives from public libraries and college and university libraries and the report shall be submitted to the next regular session of the legislature.

(3) \$2,927,346 shall be expended for final development and operations of a computerized cataloging, acquisition, and circulation network system with the expansion of such system to the University of Washington and Washington State University.

(4) All work orders and deliverables in the further development of the computerized network system shall be approved by the Washington State Data Processing Authority.

(5) By January 1, 1976, a billing system for the participants' share of the cost of the computerized network system shall be established and all participants within the system and all future participants shall be billed pursuant to such billing system commencing with the first day of the next succeeding biennium.

NEW SECTION. Sec. 83. FOR THE COORDINATING COUNCIL FOR OCCUPATIONAL EDUCATION (OR ITS STATUTORY SUCCESSOR) AND FOR THE ADVISORY COUNCIL FOR VOCATIONAL EDUCATION

General Fund Appropriation—State	\$ 1,368,155
General Fund Appropriation—Federal	\$ 20,364,929
Total Appropriation.	\$ 21,733,084

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) The appropriations contained in this section are appropriated to the Coordinating Council for Occupational Education or, contingent on the enactment of chapter . . . , Laws of 1975 1st ex. sess. (ESSB 2463), to the Commission on Vocational Education, and such commission shall be subject to the provisions of such act.

(2) It is the intent of the legislature that an examination be conducted by the office of program planning and fiscal management of the desirability and feasibility of eliminating positions not necessary for state level vocational education administration and that any such funds made available by such reduction in staff shall be allocated for support of local vocational education programs. The plan implementation for reduction of such staff shall be reported to the standing ways and means committees no later than January 1, 1976.

(3) It is the intent of the legislature that no state funds shall be expended by the Advisory Council on Vocational Education.

NEW SECTION. Sec. 84. COMMUNITY COLLEGE EDUCATION. The appropriations contained in sections 86 through 90 of this act shall be subject to the following conditions and limitations:

(1) The base system-wide formula funding levels included in the appropriations made in sections 86 through 90 of this act for each year of the biennium are:

- (a) Student services program—45% of formula entitlements;
- (b) Operation and maintenance program:
 - (i) 100% of formula entitlement for fixed costs; and
 - (ii) 60% of formula entitlement for variable costs;
- (c) Library services program:
 - (i) 55% of formula entitlement for staffing;
 - (ii) 52% of formula entitlement for collections in fiscal year 1976; and
 - (iii) 54% of formula entitlement for collections in fiscal year 1977;
- (d) Instruction program:
 - (i) 72% of formula entitlement for faculty staffing; and
 - (ii) 60% of formula entitlement for support staff and operations.

(2) It is the intent of the legislature that the state board for community college education shall not transfer more than 5% of the funds generated by the formula entitlements set forth in subsection (1) of this section between programs. Such transfers are subject to review and approval by the office of program planning and fiscal management. If any transfers between programs, up to the limit authorized by this subsection, are made during the biennium the state board shall report the amounts and purposes of such transfers to the standing ways and means committees at the next regular session of the legislature.

(3) No community college district may increase their 1974-75 FTE faculty positions to a level which is higher than that supported by the percent of formula funded in the appropriations made in section 90 of this act, except for those faculty positions associated with the new programs approved by the state board.

(4) The legislature directs that Olympia, Vocational-Technical Institute shall not become a comprehensive community college and shall offer only those courses essential to vocational education.

NEW SECTION. Sec. 85. The funds appropriated by sections 86 through 90 of this act shall be distributed to the community college districts by the state board for community college education under the authority granted to the state board by chapter 28B.50 RCW.

NEW SECTION. Sec. 86. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

General Fund Appropriation	\$ 3,422,772
Total Appropriation.	\$ 3,422,772

The appropriation contained in this section shall be subject to the following condition or limitation: \$1,026,850 shall be expended for the maintenance and development of the management information system and such funds shall be expended only pursuant to a plan approved by the Washington state data processing authority.

NEW SECTION. Sec. 87. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION—FOR THE ADMINISTRATION AND GENERAL EXPENSE PROGRAM

General Fund Appropriation	\$ 17,876,642
Total Appropriation.	\$ 17,876,642

NEW SECTION. Sec. 88. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION—FOR THE STUDENT SERVICES PROGRAM

General Fund Appropriation	\$ 18,947,141
Total Appropriation	\$ 18,947,141

The appropriation contained in this section shall be subject to the following condition or limitation: \$900,000 shall be distributed by the state board and expended for the continuation of programs for minority and disadvantaged students.

NEW SECTION. Sec. 89. FOR THE STATE BOARD FOR COMMUNITY

COLLEGE EDUCATION—FOR THE PLANT OPERATIONS AND MAINTENANCE PROGRAM

General Fund Appropriation \$ 18,954,969
 Total Appropriation. \$ 18,954,969

NEW SECTION. Sec. 90. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION—FOR THE LIBRARY SERVICES PROGRAM

General Fund Appropriation \$ 8,374,158
 Total Appropriation. \$ 8,374,158

NEW SECTION. Sec. 91. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION—FOR THE INSTRUCTION PROGRAM

General Fund Appropriation \$113,632,301
 Total Appropriation. \$113,632,301

The appropriation contained in this section shall be subject to the following conditions and limitations:

(1) \$8,333,734 shall be expended for the purchase and repair of instructional equipment.

(2) \$1,826,068 shall be expended for the small school adjustment to Whatcom, Olympia Vocational Technical Institute, Big Bend, Peninsula, Grays Harbor, Wenatchee Valley, Centralia, Lower Columbia, Walla Walla, and Skagit Valley Community Colleges. The distribution of such funds shall be based on a percent of formula entitlement for faculty staffing which shall be increased at the rate of one percentage point above the 72% base level for each 100 FTE students below the 2,500 enrollment level, except that no college shall be funded in excess of 87% of formula.

(3) \$883,009 shall be expended exclusively for maintaining the current dental hygiene programs.

NEW SECTION. Sec. 92. HIGHER EDUCATION.

The appropriations contained in sections 93 through 148 of this act shall be subject to the following conditions and limitations:

(1) The base formula funding for the four year institutions of higher education, unless otherwise provided for in sections 93 through 148 of this act, for each year of the biennium are based in part on special nonformula items and in part on the following formula entitlements:

- (a) Student services program—75% of formula entitlement;
- (b) Plant operations and maintenance program:
 - (i) 60% of formula entitlement for variable costs; and
 - (ii) 100% of formula entitlement for fixed costs;
- (c) Instruction and departmental research—General program:
 - (i) 70% of formula entitlement for faculty staffing for the University of Washington and Washington State University;
 - (ii) 72% of formula entitlement for faculty staffing for the four year state colleges; and
 - (iii) 75% of formula entitlement for faculty support;
- (d) Libraries program—55% of formula entitlement for staffing.

(2) It is the intent of the legislature that the four year institutions of higher education are authorized to transfer up to five percent of the amount appropriated for any specific program or programs upon review and approval by the office of program planning and fiscal management. If any transfers between programs, up to the limit authorized by this subsection, are made during the biennium, the institution shall report the amount and purpose of any such transfer to the standing ways and means committees at the next regular session of the legislature.

NEW SECTION. Sec. 93. FOR THE UNIVERSITY OF WASHINGTON—FOR THE ADMINISTRATION AND GENERAL EXPENSE PROGRAM

General Fund Appropriation \$ 16,618,808
 Total Appropriation. \$ 16,618,808

NEW SECTION. Sec. 94. FOR THE UNIVERSITY OF WASHINGTON—FOR THE STUDENT SERVICES PROGRAM

General Fund Appropriation	\$ 6,795,553
Total Appropriation.	\$ 6,795,553

The appropriation contained in this section shall be subject to the following condition or limitation: Not less than \$1,450,000 shall be expended for the educational opportunity program.

NEW SECTION. Sec. 95. FOR THE UNIVERSITY OF WASHINGTON—FOR THE PLANT OPERATIONS AND MAINTENANCE PROGRAM

General Fund Appropriation	\$ 24,370,000
Total Appropriation.	\$ 24,370,000

NEW SECTION. Sec. 96. FOR THE UNIVERSITY OF WASHINGTON—FOR THE LIBRARIES PROGRAM

General Fund Appropriation	\$ 11,889,451
Total Appropriation.	\$ 11,889,451

The funds appropriated by this section are based in part on a formula entitlement derived by the use of the libraries budget model and the funding level contained in this section is at 79.6% of such formula entitlement for collections for the first year of the 1975-77 biennium and is at 80.4% of such formula entitlement for collections for the second year of the 1975-77 biennium and is at 74.6% of such formula entitlement for staffing for the first year of the 1975-77 biennium and is at 73.5% of such formula entitlement for the second year of the 1975-77 biennium and is further based in part on special nonformula items.

NEW SECTION. Sec. 97. FOR THE UNIVERSITY OF WASHINGTON—FOR THE INSTRUCTION AND DEPARTMENTAL RESEARCH—GENERAL PROGRAM

General Fund Appropriation	\$ 66,456,354
Total Appropriation.	\$ 66,456,354

NEW SECTION. Sec. 98. FOR THE UNIVERSITY OF WASHINGTON—FOR THE INSTRUCTION AND DEPARTMENTAL RESEARCH—HEALTH SCIENCES PROGRAM

General Fund Appropriation	\$ 31,388,410
Total Appropriation.	\$ 31,388,410

NEW SECTION. Sec. 99. FOR THE UNIVERSITY OF WASHINGTON—FOR THE JOINT CENTER FOR GRADUATE STUDY—RICHLAND PROGRAM

General Fund Appropriation	\$ 313,574
Total Appropriation.	\$ 313,574

NEW SECTION. Sec. 100. FOR THE UNIVERSITY OF WASHINGTON—FOR THE ORGANIZED ACTIVITIES RELATED TO EDUCATIONAL DEPARTMENTS PROGRAM

General Fund Appropriation	\$ 2,773,677
Total Appropriation.	\$ 2,773,677

NEW SECTION. Sec. 101. FOR THE UNIVERSITY OF WASHINGTON—FOR THE UNIVERSITY HOSPITAL PROGRAM

General Fund Appropriation	\$ 7,700,700
Total Appropriation.	\$ 7,700,700

The appropriation contained in this section shall be subject to the following condition or limitation: \$900,000 contained in this appropriation is contingent upon the passage of chapter . . . Laws of 1975 1st ex. sess. (SB 2619).

NEW SECTION. Sec. 102. FOR THE UNIVERSITY OF WASHINGTON—FOR THE HARBORVIEW MEDICAL CENTER PROGRAM

General Fund Appropriation	\$ 6,109,597
Total Appropriation.	\$ 6,109,597

NEW SECTION. Sec. 103. FOR THE UNIVERSITY OF WASHINGTON—FOR THE EXTENSION AND PUBLIC SERVICES PROGRAM

General Fund Appropriation	\$ 2,528,640
Total Appropriation.	\$ 2,528,640

NEW SECTION. Sec. 104. FOR THE UNIVERSITY OF WASHINGTON—FOR THE SEPARATELY BUDGETED RESEARCH PROGRAM

General Fund Appropriation	\$ 2,907,366
Accident Fund Appropriation	\$ 717,500
Medical Aid Fund Appropriation	\$ 717,500
Total Appropriation.	\$ 4,342,366

The appropriations contained in this section shall be subject to the following condition or limitation: \$234,586 of the general fund appropriation shall be expended to provide, to the school of public health and community medicine sufficient funds to implement a program of research and analysis of health care and health care programs in the state of Washington that will provide independent data to the legislative and administrative branches of state government necessary to the formulation of policies and the development of improved health care programs.

NEW SECTION. Sec. 105. FOR THE UNIVERSITY OF WASHINGTON

General Fund Appropriation	\$ 500,000
Total Appropriation	\$ 500,000

The appropriation contained in this section shall be for the support of Washington State University's participation in the WAMI program.

NEW SECTION. Sec. 106. FOR WASHINGTON STATE UNIVERSITY—FOR THE ADMINISTRATION AND GENERAL EXPENSE PROGRAM

General Fund Appropriation	\$ 7,985,900
Total Appropriation.	\$ 7,985,900

NEW SECTION. Sec. 107. FOR WASHINGTON STATE UNIVERSITY—FOR THE STUDENT SERVICES PROGRAM

General Fund Appropriation	\$ 4,534,073
Total Appropriation.	\$ 4,534,073

NEW SECTION. Sec. 108. FOR WASHINGTON STATE UNIVERSITY—FOR THE PLANT OPERATIONS AND MAINTENANCE PROGRAM

General Fund Appropriation	\$ 9,439,100
Total Appropriation.	\$ 9,439,100

NEW SECTION. Sec. 109. FOR WASHINGTON STATE UNIVERSITY—FOR THE LIBRARIES PROGRAM

General Fund Appropriation	\$ 5,145,164
Total Appropriation.	\$ 5,145,164

The funds appropriated by this section are based in part on a formula entitlement derived by the use of the libraries budget model and the funding level contained in this section is at 72.9% of such formula entitlement for collections in the first year of the 1975-77 biennium and is at 73.6% of such formula entitlement for collections in the second year of the 1975-77 biennium.

NEW SECTION. Sec. 110. FOR WASHINGTON STATE UNIVERSITY—FOR THE INSTRUCTION AND DEPARTMENTAL RESEARCH—GENERAL PROGRAM

General Fund Appropriation	\$ 34,480,169
Total Appropriation.	\$ 34,480,169

NEW SECTION. Sec. 111. FOR WASHINGTON STATE UNIVERSITY—FOR INSTRUCTION AND DEPARTMENTAL RESEARCH—HEALTH SCIENCES PROGRAM

General Fund Appropriation	\$ 6,367,003
Total Appropriation.	\$ 6,367,003

NEW SECTION. Sec. 112. FOR WASHINGTON STATE UNIVERSITY—FOR THE JOINT CENTER FOR GRADUATE STUDY—RICHLAND PROGRAM

General Fund Appropriation	\$ 313,574
Total Appropriation.	\$ 313,574

NEW SECTION. Sec. 113. FOR WASHINGTON STATE UNIVERSITY—FOR

THE ORGANIZED ACTIVITIES RELATED TO EDUCATIONAL DEPARTMENTS PROGRAM

General Fund Appropriation \$ 678,864
Total Appropriation. \$ 678,864

NEW SECTION. Sec. 114. FOR WASHINGTON STATE UNIVERSITY—FOR THE AGRICULTURAL COOPERATIVE EXTENSION PROGRAM

General Fund Appropriation \$ 5,172,700
Total Appropriation. \$ 5,172,700

NEW SECTION. Sec. 115. FOR WASHINGTON STATE UNIVERSITY—FOR THE EXTENSION AND PUBLIC SERVICES—GENERAL PROGRAM

General Fund Appropriation \$ 1,625,900
Total Appropriation. \$ 1,625,900

NEW SECTION. Sec. 116. FOR WASHINGTON STATE UNIVERSITY—FOR THE SEPARATELY BUDGETED RESEARCH—AGRICULTURAL PROGRAM

General Fund Appropriation \$ 12,577,900
Total Appropriation. \$ 12,577,900

NEW SECTION. Sec. 117. FOR WASHINGTON STATE UNIVERSITY—FOR THE SEPARATELY BUDGETED RESEARCH—ENGINEERING PROGRAM

General Fund Appropriation \$ 2,109,300
Total Appropriation. \$ 2,109,300

NEW SECTION. Sec. 118. FOR WASHINGTON STATE UNIVERSITY—FOR THE SEPARATELY BUDGETED RESEARCH—OTHER PROGRAM

General Fund Appropriation \$ 1,465,400
Total Appropriation. \$ 1,465,400

NEW SECTION. Sec. 119. The legislature hereby directs that Western Washington State College shall not expend any of the funds appropriated to it by sections 120 through 127 of this act for the development of a Ph.D. program in any academic discipline or subject field.

NEW SECTION. Sec. 120. FOR WESTERN WASHINGTON STATE COLLEGE—FOR THE ADMINISTRATION AND GENERAL EXPENSE PROGRAM

General Fund Appropriation \$ 2,979,100
Total Appropriation. \$ 2,979,100

NEW SECTION. Sec. 121. FOR WESTERN WASHINGTON STATE COLLEGE—FOR THE STUDENT SERVICES PROGRAM

General Fund Appropriation \$ 2,066,100
Total Appropriation. \$ 2,066,100

NEW SECTION. Sec. 122. FOR WESTERN WASHINGTON STATE COLLEGE—FOR THE PLANT OPERATIONS AND MAINTENANCE PROGRAM

General Fund Appropriation \$ 3,561,500
Total Appropriation. \$ 3,561,500

NEW SECTION. Sec. 123. FOR WESTERN WASHINGTON STATE COLLEGE—FOR THE LIBRARIES PROGRAM

General Fund Appropriation \$ 1,850,449
Total Appropriation. \$ 1,850,449

The funds appropriated by this section are based in part on a formula entitlement derived by the use of the libraries budget model and the funding level contained in this section is at 97.5% of such formula entitlement for collections in the first year of the 1975-77 biennium and is at 99.4 % of such formula entitlement for collections in the second year of the 1975-77 biennium.

NEW SECTION. Sec. 124. FOR WESTERN WASHINGTON STATE COLLEGE—FOR THE INSTRUCTION AND DEPARTMENTAL RESEARCH PROGRAM

General Fund Appropriation \$ 18,582,855
Total Appropriation. \$ 18,582,855

NEW SECTION. Sec. 125. FOR WESTERN WASHINGTON STATE COLLEGE—FOR THE ORGANIZED ACTIVITIES RELATED TO EDUCATIONAL DEPARTMENTS PROGRAM

General Fund Appropriation	\$ 694,900
Total Appropriation.	\$ 694,900

NEW SECTION. Sec. 126. FOR WESTERN WASHINGTON STATE COLLEGE—FOR THE EXTENSION AND PUBLIC SERVICE PROGRAM—FOR THE FAIRHAVEN BRIDGE PROGRAM

General Fund Appropriation	\$ 80,000
Total Appropriation.	\$ 80,000

NEW SECTION. Sec. 127. FOR WESTERN WASHINGTON STATE COLLEGE—FOR THE SEPARATELY BUDGETED RESEARCH PROGRAM

General Fund Appropriation	\$ 50,000
Total Appropriation	\$ 50,000

NEW SECTION. Sec. 128. FOR CENTRAL WASHINGTON STATE COLLEGE—FOR THE ADMINISTRATION AND GENERAL EXPENSE PROGRAM

General Fund Appropriation	\$ 2,107,000
Total Appropriation.	\$ 2,107,000

NEW SECTION. Sec. 129. FOR CENTRAL WASHINGTON STATE COLLEGE—FOR THE STUDENT SERVICES PROGRAM

General Fund Appropriation	\$ 1,821,700
Total Appropriation.	\$ 1,821,700

NEW SECTION. Sec. 130. FOR CENTRAL WASHINGTON STATE COLLEGE—FOR THE PLANT OPERATIONS AND MAINTENANCE PROGRAM

General Fund Appropriation	\$ 3,660,100
Total Appropriation.	\$ 3,660,100

NEW SECTION. Sec. 131. FOR CENTRAL WASHINGTON STATE COLLEGE—FOR THE LIBRARIES PROGRAM

General Fund Appropriation	\$ 1,677,700
Total Appropriation.	\$ 1,677,700

The funds appropriated by this section are based in part on a formula entitlement derived by the use of the libraries budget model and the funding level contained in this section is at 86.2% of such formula entitlement for collections for the first year of the 1975-77 biennium and is at 87.1% of such formula entitlement for collections for the second year of the 1975-77 biennium.

NEW SECTION. Sec. 132. FOR CENTRAL WASHINGTON STATE COLLEGE—FOR THE INSTRUCTION AND DEPARTMENTAL RESEARCH PROGRAM

General Fund Appropriation	\$ 15,342,087
Total Appropriation.	\$ 15,342,087

NEW SECTION. Sec. 133. FOR CENTRAL WASHINGTON STATE COLLEGE—FOR THE ORGANIZED ACTIVITIES RELATED TO EDUCATIONAL DEPARTMENTS PROGRAM

General Fund Appropriation	\$ 1,413,100
Total Appropriation.	\$ 1,413,100

The appropriation contained in this section shall be subject to the following condition or limitation: \$250,000 shall be expended for the conversion of existing data processing systems from their current environment to a joint utilization of other shared state data processing resources.

NEW SECTION. Sec. 134. FOR CENTRAL WASHINGTON STATE COLLEGE—FOR THE SEPARATELY BUDGETED RESEARCH PROGRAM

General Fund Appropriation	\$ 40,000
Total Appropriation.	\$ 40,000

NEW SECTION. Sec. 135. FOR EASTERN WASHINGTON STATE COLLEGE—FOR THE ADMINISTRATION AND GENERAL EXPENSE PROGRAM

General Fund Appropriation \$ 2,193,800
 Total Appropriation. \$ 2,193,800

NEW SECTION. Sec. 136. FOR EASTERN WASHINGTON STATE COLLEGE—FOR THE STUDENT SERVICES PROGRAM

General Fund Appropriation \$ 1,250,900
 Total Appropriation. \$ 1,250,900

NEW SECTION. Sec. 137. FOR EASTERN WASHINGTON STATE COLLEGE—FOR THE PLANT OPERATIONS AND MAINTENANCE PROGRAM

General Fund Appropriation \$ 4,488,300
 Total Appropriation. \$ 4,488,300

NEW SECTION. Sec. 138. FOR EASTERN WASHINGTON STATE COLLEGE—FOR THE LIBRARIES PROGRAM

General Fund Appropriation \$ 1,381,330
 Total Appropriation. \$ 1,381,330

The funds appropriated by this section are based in part on a formula entitlement derived by the use of the libraries budget model and the funding level contained in this section is at 82.8% of such formula entitlement for collections for the first year of the 1975-77 biennium and is at 83.3% of such formula entitlement for collections for the second year of the 1975-77 biennium.

NEW SECTION. Sec. 139. FOR EASTERN WASHINGTON STATE COLLEGE—FOR THE GENERAL INSTRUCTION PROGRAM

General Fund Appropriation \$ 14,360,189
 Total Appropriation. \$ 14,360,189

NEW SECTION. Sec. 140. FOR EASTERN WASHINGTON STATE COLLEGE—FOR THE INSTRUCTION AND DEPARTMENTAL RESEARCH-HEALTH SCIENCES PROGRAM

General Fund Appropriation \$ 330,033
 Total Appropriation. \$ 330,033

NEW SECTION. Sec. 141. FOR EASTERN WASHINGTON STATE COLLEGE—FOR THE ORGANIZED ACTIVITIES RELATED TO EDUCATIONAL DEPARTMENTS PROGRAM

General Fund Appropriation \$ 1,336,200
 Total Appropriation. \$ 1,336,200

NEW SECTION. Sec. 142. FOR EASTERN WASHINGTON STATE COLLEGE—FOR THE SEPARATELY BUDGETED RESEARCH PROGRAM

General Fund Appropriation \$ 10,000
 Total Appropriation. \$ 10,000

NEW SECTION. Sec. 143. FOR THE EVERGREEN STATE COLLEGE—FOR THE ADMINISTRATION AND GENERAL EXPENSE PROGRAM

General Fund Appropriation \$ 1,767,300
 Total Appropriation. \$ 1,767,300

NEW SECTION. Sec. 144. FOR THE EVERGREEN STATE COLLEGE—FOR THE STUDENT SERVICES PROGRAM

General Fund Appropriation \$ 677,734
 Total Appropriation. \$ 677,734

The funds appropriated by this section are based in part on a formula entitlement derived by the use of the student services budget model and the funding level contained in this section is at 85% of such formula entitlement for the first year of the 1975-77 biennium and is at 75% of such formula entitlement for the second year of the 1975-77 biennium and is further based in part on special nonformula items.

NEW SECTION. Sec. 145. FOR THE EVERGREEN STATE COLLEGE—FOR THE PLANT OPERATIONS AND MAINTENANCE PROGRAM

General Fund Appropriation \$ 2,683,299
 Total Appropriation. \$ 2,683,299

NEW SECTION. Sec. 146. FOR THE EVERGREEN STATE COLLEGE—FOR THE LIBRARIES PROGRAM

General Fund Appropriation	\$ 1,416,823
Total Appropriation.	\$ 1,416,823

The funds appropriated by this section are based in part on a formula entitlement derived by the use of the libraries budget model and the funding level contained in this section is at 82.9% of such formula entitlement for collections for the first year of the 1975-77 biennium and is at 82.1% of such formula entitlement for collections for the second year of the 1975-77 biennium.

NEW SECTION. Sec. 147. FOR THE EVERGREEN STATE COLLEGE—FOR THE INSTRUCTION AND DEPARTMENTAL RESEARCH PROGRAM

General Fund Appropriation	\$ 5,387,428
Total Appropriation.	\$ 5,387,428

NEW SECTION. Sec. 148. FOR THE EVERGREEN STATE COLLEGE—FOR THE ORGANIZED ACTIVITIES RELATED TO EDUCATIONAL DEPARTMENTS PROGRAM

General Fund Appropriation	\$ 600,000
Total Appropriation.	\$ 600,000

NEW SECTION. Sec. 149. K-12 PROGRAM.

The appropriations contained in sections 150 through 165 of this act shall be subject to the following conditions and limitations:

(1) No funds shall be expended to support the state board of education's adopted 1971 "Guidelines and Standards" relating to the preparation of professional education staff. No funds shall be expended for development, implementation, or continuation of activities associated with the 1971 "Guidelines and Standards".

(2) No funds shall be expended directly or indirectly for purposes of advancing the development of occupational skill centers. Operations of skill centers in existence on the effective date of this act may be continued.

NEW SECTION. Sec. 150. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION (INCLUDING THE STATE BOARD FOR EDUCATION)

General Fund Appropriation—State	\$ 8,618,921
General Fund Appropriation—Federal	\$ 3,904,000
General Fund—Traffic Safety Education Account Appropriation	\$ 667,690
Total Appropriation.	\$ 13,190,611

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) The superintendent of public instruction is authorized to continue operating a career education program through the 1975-77 biennium.

(2) \$280,000 shall be expended exclusively to provide support for legal actions against local school districts which result from reduction-in-force procedures. Such funds may only be disbursed to local school districts on approval of the superintendent of public instruction and no such funds shall be disbursed after March 15, 1976. Disbursements shall be made to local school districts only if such districts provide at least twenty-five percent of the costs of such legal actions from nonappropriated funds.

(3) Not more than \$90,000 shall be expended to provide office support for the management of the transportation program.

(4) Not more than \$667,690 shall be expended for state office administration of the traffic safety education program. The superintendent of public instruction shall develop a plan for reducing administrative costs associated with such program and submit the plan to the standing ways and means committees no later than July 1, 1976.

(5) The state board of education shall not reduce the number of intermediate school districts, including any realignment of boundaries, until approval is received by the legislature.

NEW SECTION. Sec. 151. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—GENERAL APPORTIONMENT

General Fund Appropriation:

For General Apportionment	\$ 1,073,195,265
Total Appropriation.	\$ 1,073,195,265

The appropriation contained in this section shall be subject to the following conditions and limitations:

(1) Salary increases for classified and certificated employees of common school districts are not mandated by the provisions of this section.

(2) Any local school district which does provide a salary increase from funds appropriated by this section shall provide a district-wide salary increase which is equal for both certificated and classified personnel.

(3) Local school districts receiving funds from the appropriation made in this section may expend all or a portion of such funds to retain needed personnel in-lieu of salary increases.

(4) It is the intent of the legislature that to the extent that any district receives funds through the state apportionment formula in excess of the amount anticipated by such a district when it established its excess levy for collection in 1976 and when such excess can be utilized to relieve special levy burdens, then such a district should place a first priority on reducing its special levy.

(5) The superintendent of public instruction is hereby authorized to direct from the appropriation contained in this section, such funds as may be necessary to grant salary increases for certificated and classified employees funded through categorical programs, but in no event shall such allocation exceed the average salary increase amount authorized for state employees during the 1975-76 fiscal year.

(6) The weighting schedule used by the superintendent of public instruction during the 1975-77 biennium in computing the apportionment of funds for each school district shall be based on the following factors:

(a) A base weighting factor of 1.0 for each full time equivalent student enrolled;

(b) An additional weighting factor of 1.0 for each full time equivalent student enrolled in vocational education in grades 9-12 which is approved by the superintendent of public instruction. The superintendent of public instruction shall report the results of a comprehensive study on vocational education to the standing ways and means committees no later than January 1, 1976. Such study shall document the cost of vocational education presently qualifying for 0.2 support on a sample basis. Such study shall include an examination of the criteria for determining full time equivalents and recommendations for alternative funding procedures and a time line for implementation thereof;

(c) Continuation of the weighting factors used by the superintendent of public instruction for the purpose of reimbursement to each school district for costs resulting from staff education and experience greater than the minimum requirements. The superintendent of public instruction shall employ the staff characteristic factor of the respective local districts established in each of the immediately preceding school years for purposes of distribution throughout the 1975-77 biennium;

(d) An additional weighting factor of not more than 2.0 as determined by the superintendent of public instruction for school districts enrolling not more than 250 full time equivalent students in grades 9-12;

(e) An additional weighting factor of not more than 2.0 as determined by the superintendent of public instruction for nonhigh school districts enrolling not more than 100 full time equivalent students which districts have been judged to be remote and necessary by the state board of education;

(f) An additional weighting factor of not more than 2.0 as determined by the superintendent of public instruction for small school plants which are judged remote and necessary within any school district by the state board of education;

(g) An additional weighting factor for a period of not more than four years, for any consolidated school district formed after July 1, 1971, equal to the additional weighting factor in effect in each qualifying district during the school year immediately preceding consolidation, which district consists of one or more former school districts

which were either remote and necessary or which contained not more than 250 students in grades 9-12;

(h) An additional weighting factor of 0.25 for full time equivalent students residing on tax exempt property as set forth in RCW 28A.41.140(6)(b) or (c); and

(i) An additional weighting factor of 0.25 for full time equivalent students in an approved interdistrict cooperative program as authorized by RCW 28A.41.140(6)(a) and 28A.58.075.

(7) It is the intent of the legislature that a portion of the funds appropriated by this section for general apportionment may be used by school districts for costs associated with public use of school gymnasiums during evening and weekend hours.

(8) During the 1975-77 biennium the superintendent of public instruction shall distribute not more than \$960,000 of the funds appropriated by this section for general apportionment, outside of the apportionment formula to school districts for the following purposes:

(a) To pay fire protection districts at a rate of \$1.00 per year for each student attending a school located in an unincorporated area within a fire protection district as mandated by the provisions of RCW 52.36.020 by the expenditure of not more than \$560,000;

(b) To pay for school district emergencies by the expenditure of not more than \$400,000.

(9) During the 1975-77 biennium the superintendent of public instruction may direct the expenditure of funds contained in this appropriation to fund the percentage of school psychologists, speech therapists and other ancillary personnel not funded in the handicapped excess cost appropriation for the 1975-77 biennium.

NEW SECTION. Sec. 152. There is hereby appropriated from the state general fund to the superintendent of public instruction for the biennium ending June 30, 1977, for distribution appropriate to the purposes of this section during the calendar year 1976 to school districts as hereinafter in this section provided, the sum of one hundred million dollars or so much thereof as may be necessary: PROVIDED, That not more than five percent of such amount shall be allocated to districts which have submitted but failed to authorize one or more excess levies for maintenance and operations in 1976 and with a relatively high percentage of urban, rural, racial, and disadvantaged children to continue quality educational programs for the 1976 calendar year, eighty percent of such amount in the 1975-76 school year and twenty percent of such amount in the 1976-77 school year, at approximately the same student-teacher ratio that existed during the 1974-75 school year for any such districts or schools within such districts.

Allocations under this section for special levy relief shall be made by the superintendent of public instruction to local school districts in accordance with the following procedure:

Those local school districts which have received authorization for collection of an excess levy in 1976 for maintenance and operations or which have submitted one or more excess levies for maintenance and operations in 1976 shall receive an amount in the sum of seventy-two dollars per full time equivalent pupil enrolled for the 1975-76 school year and fifty-five dollars per full time equivalent pupil enrolled for the 1976-77 school year. The superintendent of public instruction shall determine and notify each local school district of the amount of such funds made available by this section. Each board of directors of a local school district which qualifies for an allotment of funds for special levy relief pursuant to the provisions of this section and has been authorized an excess levy for maintenance and operations for collection in 1976, prior to receiving an allotment of funds hereunder, shall certify to the respective county legislative authority a reduction in the excess levy equal to the amount of funds made available for special levy relief pursuant to this section. Any school district which fails to certify and roll back excess levies in the manner required by this section shall not receive any allotment from the superintendent of public instruction of the funds made available under this section.

Those local school districts which did not submit one or more excess levies for maintenance and operations for collection in 1976 and in addition experience a net per

pupil expenditure, excluding transportation costs, of less than the state-wide average per student during the 1974-75 school year, shall receive an amount equal to twenty-five dollars per full time equivalent pupil during both the 1975-76 and 1976-77 school year.

The superintendent of public instruction, pursuant to chapter 34.04 RCW, shall promulgate rules and regulations to effect the intent of this section.

NEW SECTION. Sec. 153. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR HANDICAPPED EXCESS COSTS

General Fund Appropriation—State	\$ 73,163,256
General Fund Appropriation—Federal	\$ 3,423,000
Total Appropriation.	\$ 76,586,256

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) The number of students receiving special education for learning language disabilities shall be increased from 0.8 percent to 1.0 percent of the total student enrollment during the 1975-76 school year.

(2) Not more than \$2,437,230 of the funds contained in the appropriations made in this section shall be held in reserve to increase the current percentage to 1.5 percent of the total student enrollment during the 1976-77 school year upon satisfactory completion of the requirement set forth in subsection (3) of this section.

(3) No reserve funds shall be released without approval of the legislative budget committee and that committee shall not release such funds until the superintendent of public instruction has implemented an appropriate screening device designed to identify children with learning language disabilities. The office of the superintendent of public instruction shall not expend more than \$40,000 of the funds contained in these appropriations to implement such a screening device.

(4) Handicapped program categories are budgeted for on the student-teacher ratios provided for by the rules and regulations adopted by the superintendent of public instruction with the exception of resource rooms which are budgeted for on a ratio of 35 students to 1 teacher.

(5) During the 1975-76 school year the superintendent of public instruction shall implement a system of monthly reporting by each school district of handicapped student enrollments by the disability categories.

(6) A committee composed of ten persons (three appointed by the superintendent of public instruction, three appointed by the governor, two appointed by each of the standing ways and means committees), which shall be provided such support services by the superintendent of public instruction as are necessary to accomplish the tasks imposed by this subsection, shall provide a report to the office of program planning and fiscal management and the standing ways and means committees not later than July 1, 1976, which shall include, but not necessarily be limited to the following:

(a) Redefinition by handicapped category of eligibility criteria for excess cost funding including type of disability, degree of disability, and related criteria;

(b) Coordination of definitions and criteria with mental health, developmental disabilities, and other related programs of the department of social and health services;

(c) A state-wide needs assessment which shall be a six year projection;

(d) A thorough review of screening techniques and referral processes;

(e) A reevaluation of instructional methods; and

(f) A revision of accounting and reporting requirements to insure accountability of expenditures to budget assumptions and to measure the effectiveness of special education programs in assisting students to achieve their appropriate grade levels.

(7) Not more than \$36,000 shall be used to initiate a program to instruct teachers and school nurses in techniques for recognizing and caring for epileptic students.

NEW SECTION. Sec. 154. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PUPIL TRANSPORTATION

General Fund Appropriation	\$ 61,699,889
Total Appropriation.	\$ 61,699,889

The appropriation contained in this section shall be subject to the following conditions and limitations:

(1) Not more than \$350,000 shall be expended to provide for the improved management of the transportation and safety programs initiated by chapter 91, Laws of 1974 ex. sess.

(2) The superintendent of public instruction shall develop a new vehicle depreciation schedule that more accurately reflects the useful life of transportation equipment and shall report recommendations to the respective ways and means committees of the legislature not later than September 1, 1975.

NEW SECTION. Sec. 155. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR VOCATIONAL-TECHNICAL INSTITUTES AND ADULT EDUCATION AT VOCATIONAL-TECHNICAL INSTITUTES

General Fund Appropriation \$ 20,398,748

NEW SECTION. Sec. 156. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR STATE INSTITUTIONAL EDUCATION PROGRAMS

General Fund Appropriation—State \$ 8,866,998

General Fund Appropriation—Federal \$ 3,699,540

Total Appropriation. \$ 12,566,538

NEW SECTION. Sec. 157. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR URBAN RURAL RACIAL DISADVANTAGED PROGRAMS

General Fund Appropriation \$ 9,611,362

Total Appropriation. \$ 9,611,362

The appropriation contained in this section shall be subject to the following condition or limitation: Not less than \$1,000,000 shall be expended for districts with an average annual enrollment of 2,500 full time equivalent students or less.

NEW SECTION. Sec. 158. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR INTERMEDIATE SCHOOL DISTRICTS

General Fund Appropriation \$ 3,624,870

Total Appropriation. \$ 3,624,870

NEW SECTION. Sec. 159. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE GIFTED PUPIL PROGRAM

General Fund Appropriation \$ 913,000

Total Appropriation. \$ 913,000

The appropriation contained in this section shall be subject to the following condition or limitation: The superintendent of public instruction shall provide a report to the legislative budget committee not later than July 1, 1976, which shall include the following:

- (1) A state-wide needs assessment which shall be a six year projection;
- (2) Quantifiable definitions of intellectually and creatively gifted students who are determined eligible for excess cost funding;
- (3) An explanation of screening techniques relating to gifted students;
- (4) A description of instructional methods relating to gifted students;
- (5) Program cost data; and
- (6) Program success data.

NEW SECTION. Sec. 160. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR CULTURAL ENRICHMENT PROGRAMS

General Fund Appropriation \$ 1,111,781

Total Appropriation. \$ 1,111,781

NEW SECTION. Sec. 161. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE PACIFIC SCIENCE CENTER FOR MATHEMATICS AND SCIENCE EDUCATION SERVICES TO BE PROVIDED PUBLIC SCHOOL STUDENTS AND TEACHERS

General Fund Appropriation \$ 513,121

Total Appropriation. \$ 513,121

The appropriation contained in this section shall be subject to the following conditions and limitations:

(1) Not more than \$338,121 may be expended by the superintendent of public instruction to construct, remodel and equip an astronomy education facility upon property owned by Pacific Science Center Foundation for the purpose of providing such educational services.

(2) The superintendent of public instruction may contract to transfer title to such facility and equipment provided for in subsection (1) of this section to the Pacific Science Center Foundation or its successor at such time as the value of educational services provided to public school students and teachers exceeds the costs reimbursed by the superintendent of public instruction and participating school districts by an amount equivalent to at least the cost to the superintendent of public instruction for the construction and acquisition of such facility and equipment.

NEW SECTION. Sec. 162. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE TRAFFIC SAFETY PROGRAM

General Fund—Traffic Safety Education Account

Appropriation	\$ 8,951,410
Total Appropriation.	\$ 8,951,410

NEW SECTION. Sec. 163. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL FOOD SERVICE PROGRAMS

General Fund Appropriation—State	\$ 7,650,964
General Fund Appropriation—Federal	\$ 41,796,311
Total Appropriation.	\$ 49,447,275

NEW SECTION. Sec. 164. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE ENUMERATED PURPOSES

General Fund Appropriation—Federal	\$ 60,731,414
Total Appropriation.	\$ 60,731,414
Elementary and Secondary Education Act of 1965	\$ 57,054,157
National Defense Education Act of 1958	\$ 617,257
Education of Indian Children	\$ 1,810,000
Adult Basic Education	\$ 1,250,000

NEW SECTION. Sec. 165. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE ENCUMBRANCE OF FEDERAL GRANTS

General Fund Appropriation—Federal	\$ 15,221,787
Total Appropriation.	\$ 15,221,787

NEW SECTION. Sec. 166. FOR THE OCEANOGRAPHIC COMMISSION

General Fund Appropriation	\$ 227,486
Total Appropriation.	\$ 227,486

The appropriation contained in this section shall be subject to the following limitation or condition: Not more than \$40,000 shall be expended on a research feasibility study for an underwater pipeline crossing of Admiralty Inlet. Results of such study shall be submitted to the legislature not later than January 1, 1976.

NEW SECTION. Sec. 167. FOR THE DEPARTMENT OF ECOLOGY

General Fund Appropriation—State	\$ 14,205,592
General Fund Appropriation—Federal	\$ 7,142,050
General Fund—Reclamation Revolving Account Appropriation	\$ 526,000
General Fund—Litter Control Account Appropriation	\$ 1,725,260
Stream Gaging Basic Data Fund Appropriation	\$ 170,000
General Fund—Water Pollution Control Facilities Account Appropriation.	\$ 4,000,000
General Fund—State and Local Improvements Revolving Account—Waste Disposal Facilities; Appropriated pursuant to the provisions of chapter 127, Laws of 1972 ex. sess. (Referendum 26)	\$ 93,744,785

General Fund—State and Local Improvements Revolving

Account—Water Supply facilities: Appropriated pursuant

to the provisions of chapter 128, Laws of 1972

ex. sess. (Referendum 27) \$ 53,944,043

Total Appropriation. \$175,457,730

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) \$1,063,931 in state funds from the appropriations contained herein shall be expended by the department for matching purposes for activated air pollution control authorities. If such authorities do not expend an equal amount to match such funds during the 1975-77 biennium, then such unmatched, unexpended state funds shall be available to the department.

(2) \$1,388,050 from federal air pollution control grant funds shall be made available to activated air pollution control authorities in the state as directed by the federal environmental protection agency.

(3) Not more than \$2,500 shall be expended for water master services in Walla Walla county.

(4) \$20,769,529 of the state and local improvements account—water supply appropriation shall be expended exclusively for agricultural water supply facilities. Not more than \$15,000,000 of such \$20,769,529 appropriation shall be expended for the Second Bacon Siphon and Tunnel.

(5) On or before October 1, 1975, the department of ecology shall file with the standing ways and means committees of the legislature a master compilation by project type of those projects proposed for funding during the 1975-77 biennium from the appropriations for waste disposal facilities and municipal and industrial water supply facilities. The department shall submit updates for the master compilation to the standing ways and means committees at six month intervals during the 1975-77 biennium. The updates shall reflect project completions, deletions, and substitutions or additions made during the course of administering such projects. If the department proposes to change or modify any project listed on the master compilation, it shall give the standing ways and means committees thirty days written notice of such change or modification prior to the expenditure or obligation of any funds appropriated by this section. The department shall inform the standing ways and means committees as soon as is practicable of emergent federal action which has any affect whatsoever on the appropriations for waste disposal facilities and water supply facilities.

(6) The appropriation from the state and local improvements revolving account—municipal and industrial water supply facilities may be expended to pay up to fifty percent of the eligible cost of any project, as a grant or loan or combination thereof. Also, the department may loan up to one hundred percent of the eligible costs of preconstruction activities and the department may provide up to one hundred percent of the costs necessary to meet the conditions required to receive federal funds.

(7) The appropriation from the state and local improvements revolving account—waste disposal facilities may be expended by the department to pay for up to fifty percent of the eligible cost of any project, as a grant or loan or combination thereof, for waste water treatment or disposal, agricultural pollution, lake rehabilitation, or solid waste management facilities. The department is hereby authorized to loan up to one hundred percent of the eligible costs of preconstruction activities. The department is hereby authorized to provide up to one hundred percent of the costs necessary to meet the conditions required to receive federal funds.

NEW SECTION. Sec. 168. FOR THE COLUMBIA RIVER GORGE COMMISSION

General Fund Appropriation—State \$ 3,600

General Fund Appropriation—Federal \$ 16,000

Total Appropriation. \$ 19,600

NEW SECTION. Sec. 169. FOR THE POLLUTION CONTROL HEARINGS BOARD

General Fund Appropriation	\$ 404,756
Total Appropriation.	404,756

NEW SECTION. Sec. 170. FOR THE THERMAL POWER PLANT SITE EVALUATION COUNCIL

General Fund Appropriation	\$ 324,609
Total Appropriation.	\$ 324,609

The appropriation contained in this section is subject to the following condition or limitation: The council shall establish a schedule of charges for monitoring compliance with state site certification requirements. Such charges shall be sufficient to maintain the expense of the compliance monitoring function. The schedule shall be submitted to the standing ways and means committees of the legislature not later than November 30, 1975.

NEW SECTION. Sec. 171. FOR THE SHORELINES HEARING BOARD

General Fund Appropriation	\$ 56,000
Total Appropriation.	\$ 56,000

NEW SECTION. Sec. 172. FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund Appropriation—State	\$ 15,907,721
General Fund Appropriation—Federal	\$ 252,205
General Fund—Trust Land Purchase Account Appropriation	\$ 2,522,968
Motor Vehicle Fund Appropriation	\$ 600,000
General Fund—State and Local Improvement Revolving Account Appropriation—Public Recreation Facilities; Appropriated pursuant to section 4(3), chapter 129, Laws of 1972 ex. sess.	\$ 625,000
Total Appropriation.	\$ 19,907,894

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) The commission shall make no contractual agreements or receive any donation of real property or an interest therein which commits the commission to either assuming on a current basis or to requesting funds at a future time for operating, development, or acquisition costs without prior approval of the legislative budget committee or the standing ways and means committees if the legislature is in session.

(2) \$6,125,450 shall be expended for the administrative services program to be funded from the following sources: \$2,750,277 from the state general fund, \$252,205 from the federal general fund, \$2,522,968 from the trust land purchase account, and \$625,000 from the state and local improvement revolving account.

Not more than \$35,000 shall be expended within the administrative services program for the purpose of studying the feasibility, desirability, and need for a greenway along the Yakima river from Selah Gap to Union Gap.

Not more than \$15,000 shall remain unexpended for the contingent purpose of making a grant to the Port of Skagit County in the event that the planned operation of the historical railroad from Sedro Woolley to Concrete is not fully self-supporting in the first year of operation.

It is the intent of the legislature that \$625,000 shall be expended for the "Historic Preservation Program" to be operated by the Commission. Such Commission and the office of program planning and fiscal management shall adopt rules and regulations pursuant to chapter 34.04 RCW for the purpose of administering such program.

(3) \$2,317,228 shall be expended for the resource development program to be funded by \$1,717,228 from the state general fund and \$600,000 from the motor vehicle fund appropriation.

(4) The park operation program is funded by \$11,440,216 from the state general fund.

\$60,000 shall be expended within the park operation program for continuation of contractual agreements with Grays Harbor and Pacific counties for beach patrol and law enforcement on North Beach, South Beach, and Long Beach.

NEW SECTION. Sec. 173. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

General Fund—Outdoor Recreation Account Appropriation	\$ 14,756,013
General Fund—Outdoor Recreation Account Appropriation; Appropriated pursuant to section 4(2), chapter 129, Laws of 1972 ex. sess.	\$ 7,210,000
Total Appropriation.	\$ 21,966,013

The appropriations contained in this section shall be subject to the following condition or limitation: Not more than \$818,732 of the Outdoor Recreation Account Appropriation of \$14,756,013 shall be expended for administration.

NEW SECTION. Sec. 174. FOR THE COUNCIL ON ENVIRONMENTAL POLICY

General Fund Appropriation	\$ 44,324
Total Appropriation.	\$ 44,324

NEW SECTION. Sec. 175. FOR THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

General Fund Appropriation—State	\$ 3,111,558
General Fund Appropriation—Federal	\$ 250,000
Motor Vehicle Fund Appropriation	\$ 295,277
Total Appropriation.	\$ 3,656,835

The appropriations contained in this section shall be subject to the following condition or limitation: \$286,400 of the general fund appropriation—state shall be available solely for service contracts on a one to one dollar match basis by nonprofit corporations, organizations, councils, or associations involved in local economic development.

NEW SECTION. Sec. 176. FOR THE DEPARTMENT OF FISHERIES

General Fund Appropriation—State	\$ 16,134,576
General Fund Appropriation—Federal	\$ 8,637,856
General Fund Appropriation—Local	\$ 1,392,728
General Fund—Lewis River Hatchery Account Appropriation	\$ 26,640
Total Appropriation.	\$ 26,191,800

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) \$200,000 of the general fund appropriation—state shall be expended for the operation of the Spaight Creek rearing unit.

(2) \$12,000 of the general fund appropriation—state shall be expended for an engineering survey of the Dungeness Diversion Dam in Clallam County.

(3) The expenditure of \$4,947,000 of the general fund appropriation—federal shall be contingent on the enactment of chapter . . . , Laws of 1975 1st ex. sess. (SSB 2574). If chapter . . . , Laws of 1975 1st ex. sess. (SSB 2574) is not enacted into law and federal funds are available to the state for purchase and removal of commercial fishing vessels, it is the intent of the legislature that the department of fisheries shall be the only state agency which may apply for such funds through the unanticipated receipts process.

(4) \$10,000 of the general fund appropriation—state may be utilized in a pilot project in cooperation with the office of the superintendent of public instruction in the establishment of a fisheries resource education program in local school districts. Such funds are to be matched, by school districts participating, on a one to one basis from private or local resources.

NEW SECTION. Sec. 177. FOR THE DEPARTMENT OF GAME

General Fund Appropriation	\$ 36,000
General Fund—Outdoor Recreation Account Appropriation	\$ 220,759
Game Fund Appropriation—State.	\$ 16,922,465
Game Fund Appropriation—Federal	\$ 4,210,000
Game Fund Appropriation—Local	\$ 550,000
Total Appropriation.	\$ 21,939,224

The appropriations contained in this section shall be subject to the following condition or limitation: Not less than \$3,218,668 from the game fund appropriation—state, \$1,650,000 from the game fund appropriation—federal, and \$400,000 from the game fund appropriation—local shall be expended on fish management and fish production.

NEW SECTION. Sec. 178. FOR THE FOREST PRACTICES APPEALS BOARD

General Fund Appropriation	\$ 223,005
Total Appropriation.	\$ 223,005

NEW SECTION. Sec. 179. FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund Appropriation—State	\$ 12,412,273
General Fund Appropriation—Federal	\$ 653,035
General Fund—General Contingency Forest Fire	
Suppression Account Appropriation	\$ 1,000,000
General Fund—Landowners Forest Fire Suppression Account	
Appropriation	\$ 1,000,000
General Fund—Resource Management Cost Account	
Appropriation	\$ 29,197,685
General Fund—Forest Development Account	
Appropriation	\$ 5,075,390
State Timber Reserve Fund Appropriation	\$ 1,894,650
General Fund—Outdoor Recreation Account Appropriation	\$ 1,840,539
Total Appropriation.	\$ 53,073,572

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) \$1,000,000 of the state general fund appropriation is for emergency fire suppression costs and shall be allocated and transferred to the general contingency forest fire suppression account only as such funds are actually needed for the purpose of paying emergency fire suppression costs.

(2) \$100,000 of the general fund appropriation—state and \$25,000 of the resource management account appropriation shall be expended by the department in a program directed toward the eradication of the star thistle weed (*centaurea solstitialis*) on lands managed by the department. The department shall provide a one-third state share for problem areas adjacent to such lands which are privately owned if participating counties and individual landowners provide their equal one-third shares.

(3) \$483,872 of the general fund—resource management account appropriation and \$44,908 of the general fund—forest development account appropriation may be expanded only if chapter . . . , Laws of 1975 ex. sess. (HB 971 or a similar measure) is not enacted into law. Expenditures of such funds shall be for payment of leasehold excise taxes by the department.

(4) \$200,000 of the general fund—resource management account appropriation shall be expended for payment by the department of past due in-lieu excise tax payments.

(5) \$593,035 from the general fund appropriation—federal shall be expended for the job opportunities program to stimulate or expand job creating activities in areas that are suffering from high unemployment.

NEW SECTION. Sec. 180. FOR THE DEPARTMENT OF AGRICULTURE

General Fund Appropriation—State	\$ 5,230,611
General Fund Appropriation—Federal	\$ 140,556
General Fund—Commercial Feed Account	
Appropriation	\$ 226,420
General Fund—Egg Inspection Account	
Appropriation	\$ 306,054
General Fund—Feed and Fertilizer Account	
Appropriation	\$ 12,972
General Fund—Fertilizer, Agricultural, Mineral and	
Lime Account Appropriation.	\$ 217,736

General Fund—Nursery Inspection Account

Appropriation	\$ 199,251
General Fund—Seed Account Appropriation	\$ 585,610

General Fund—Special Grass Seed Burning Account

Appropriation	\$ 85,000
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Grain and Hay Inspection Fund Appropriation	\$ 4,928,226
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Total Appropriation	\$ 11,932,436
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The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) \$272,336 of the state general fund appropriation shall be expended by the department for its one-third share for completion of the special program in conjunction with the noxious weed control boards of the several counties directed towards the eradication of the noxious weed tansy. Continued state expenditures are conditioned on the continuation of payment of an equal one-third share by participating county noxious weed control boards and individual landowners. No county noxious weed control board or individual land owner shall be eligible for the state's one-third share unless such board or landowner has developed a range management program approved by the department in cooperation with the appropriate local or other agency responsible for said conservation. \$67,596 of the \$272,336 shall be expended in cooperation with Washington State University for research into the poisonous properties of tansy ragwort (*Senecio-Jacobaea*). \$37,740 of the \$272,336 shall be expended to support a noxious weed coordinator for the duration of the special program.

(2) The grass seed burning account appropriation shall be expended for research at Washington State University in alternative methods of burning grasses grown for commercial seed production.

(3) Not more than \$27,500 from the state general fund appropriation shall be expended for the continuation of the wetlands survey being conducted by the Water Research Center at Washington State University.

NEW SECTION. Sec. 181. FOR THE TRAFFIC SAFETY COMMISSION

Highway Safety Fund Appropriation	\$ 4,077,374
Total Appropriation	\$ 4,077,374

NEW SECTION. Sec. 182. FOR THE STATE PATROL

General Fund Appropriation—State	\$ 4,996,541
General Fund Appropriation—Federal	\$ 1,892,737
Motor Vehicle Fund Appropriation	\$ 48,773,702
Total Appropriation	\$ 55,662,980

NEW SECTION. Sec. 183. FOR THE VEHICLE EQUIPMENT SAFETY COMMISSION

Motor Vehicle Fund Appropriation	\$ 6,500
Total Appropriation	\$ 6,500

NEW SECTION. Sec. 184. FOR THE DEPARTMENT OF MOTOR VEHICLES

General Fund Appropriation	\$ 3,758,459
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General Fund—Architect's License Account

Appropriation	\$ 84,046
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General Fund—Commercial Automobile Driver Training

School Account Appropriation	\$ 2,522
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General Fund—Optician's Account Appropriation	\$ 3,641
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General Fund—Optometry Account Appropriation	\$ 22,324
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General Fund—Professional Engineer's Account

Appropriation	\$ 234,895
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General Fund—Real Estate Commission Account

Appropriation	\$ 1,708,136
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General Fund—Sanitarian's Licensing Account

Appropriation	\$ 8,855
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General Fund—Board of Psychological Examiners

Account Appropriation	\$ 15,885
Game Fund Appropriation	\$ 104,744
Highway Safety Fund Appropriation	\$ 16,187,284
Motor Vehicle Fund Appropriation	\$ 12,812,439
Total Appropriation	\$ 34,943,230

NEW SECTION. Sec. 185. FOR THE AERONAUTICS COMMISSION

General Fund—Search and Rescue Account

Appropriation	\$ 36,000
General Fund—Aeronautics Account Appropriation	\$ 1,057,240
Total Appropriation	\$ 1,093,240

NEW SECTION. Sec. 186. FOR THE COUNTY ROAD ADMINISTRATION BOARD

Motor Vehicle Fund Appropriation	\$ 222,285
Total Appropriation	\$ 222,285

The Appropriation contained in this section shall be subject to the following condition or limitation: If Substitute Senate Bill No. 2713 is not enacted, \$79,915 shall lapse at the end of the biennium.

NEW SECTION. Sec. 187. FOR THE STATE TREASURER—TRANSFERS

Motor Vehicle Fund Appropriation: For transfer to the Grade Crossing Protective Fund for appropriation to the Utilities and Transportation Commission for the 1975-77 biennium to carry out the provisions of RCW 81.53.261, 81.53.271, 81.53.281 and 81.53.291 \$ 575,000

General Fund—Investment Reserve Account Appropriation: For transfer to the General Fund on or before June 29, 1977, pursuant to chapter 50, Laws of 1969 \$ 10,700,000

State Treasurer's Service Fund Appropriation: For transfer to the General Fund on or before June 30, 1976 \$ 2,000,000

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, 1975, through June 30, 1977 \$ 1,300,000

General Fund—State and Local Improvements Revolving Account—Public Recreation Facilities Appropriation: For transfer to the General Fund—Outdoor Recreation Account on or before June 30, 1977, pursuant to the provisions of section 4(2), chapter 129, Laws of 1972 ex. sess. \$ 5,000,000

General Fund—State and Local Improvements Revolving Account—Public Recreation Facilities Appropriation: For transfer to the General Fund—Outdoor Recreation Account on or before June 30, 1977, pursuant to the provisions of section 4(1), chapter 129, Laws of 1972 ex. sess. \$ 3,300,000

General Fund Appropriation: For transfer to the General Fund—Public Facilities Construction Loan and Grant Revolving Account on or before June 30, 1977 as required to meet obligations: PROVIDED, That notwithstanding the provisions of chapter 43.31A RCW, this appropriation shall be allocated to the Planning and Community Affairs Agency to be used exclusively for continuation of the Indian Economic and Employment Assistance Program for projects requested by reservation tribes through the Program Administrator \$ 1,568,691

NEW SECTION. Sec. 188. FOR BELATED CLAIMS, SUNDRY CLAIMS, ELECTION COSTS, AND CRIMINAL COSTS

The following sums, or so much thereof as shall severally be found necessary are hereby appropriated and authorized to be expended out of the several funds indicated, for the period from the effective date of this act to June 30, 1975, except otherwise noted.

BELATED CLAIMS

To reimburse the General Fund for Expenditures from Appropriation for Belated Claims to be disbursed on vouchers approved by the State Auditor:

General Fund—Commercial Feed Account Appropriation	\$ 46.24
General Fund—Commission Merchants Account Appropriation	\$ 40.32
General Fund—Contingency Forest Fire Suppression Account Appropriation	\$ 648.49
General Fund—Egg Inspection Account Appropriation	\$ 143.53
General Fund—Electrical License Account Appropriation	\$ 551.08
General Fund—Feed and Fertilizer Account Appropriation	\$.30
General Fund—Fertilizer, Agricultural Mineral and Lime Account Appropriation	\$ 31.08
General Fund—Real Estate Commission Account Appropriation	\$ 887.15
General Fund—Seed Account Appropriation	\$ 73.95
General Fund—Capitol Building Construction Account Appropriation	\$ 2,712.00
General Fund—Aeronautics Account Appropriation	\$ 50.70
General Fund—Resource Management Cost Account Appropriation	\$ 3,617.10
General Fund—Seattle Armory Account Appropriation	\$ 461.77
General Fund—Traffic Safety Education Account Appropriation	\$ 16.57
General Fund—Outdoor Recreation Account Appropriation	\$ 5,363.93
Game Fund Appropriation	\$ 3,341.04
Grain and Hay Inspection Fund Appropriation	\$ 1,512.08
Highway Safety Fund Appropriation	\$ 2,182.53
Motor Vehicle Fund Appropriation	\$ 39,645.25
Public Service Revolving Fund Appropriation	\$ 3,116.42
Administrative Contingency Fund Appropriation	\$ 298.32
Agricultural Local Fund Accounts Fund Appropriation	\$ 1,391.17
Horticultural Districts Fund Appropriation	\$ 413.22
General Local Fund Appropriation	\$ 156.60
Clarke-McNary Fund Appropriation	\$ 1,681.16
General Administration Facilities and Services Revolving Fund Appropriation	\$ 358.06
Liquor Board Revolving Fund Appropriation	\$ 36.25
Retirement System Expense Fund Appropriation	\$ 1,083.73
Accident Fund Appropriation	\$ 1,181.51
Medical Aid Fund Appropriation	\$ 654.48
Teachers' Retirement Fund Appropriation	\$ 50.40
Total Appropriation	\$ 71,746.43

SUNDRY CLAIMS

General Fund Appropriations for relief of various individuals, firms and corporations for sundry reasons to be disbursed on vouchers approved by the State Auditor as follows:

(1) For restoration of funds from the Washington State Public Employees' Retirement System	
FRED R. BOHME	\$ 418.74
GEORGIA ANN COMPTON	\$ 248.61
VERA M. HARMA	\$ 728.26
MARION M. FREITAG	\$ 908.99
SIDNEY W. FUNDIN	\$ 530.07

(2) Payment for transcribing statement of facts for appeals of indigents:	
VIVIAN E. ROBINSON—No. 4855	\$ 76.50
NORENE CAMPBELL—No. IIII-II	\$ 67.50
KATRINA A. HAMMERICH—No. 752375	\$ 838.00
IRENE GAY—No. 709032	\$ 129.60
ELAINE E. URGUHART—No. 5162	\$ 271.50
CATHERINE WILLIAMS—No. 63120	\$ 35.15
VIVIAN E. ROBINSON—No. 64427	\$ 483.00
(3) PARADISE SKI TOWS, INC., For refund of gas tax paid.	\$ 117.45
(4) MONTGOMERY, PURDUE, BLANKENSHIP, AND AUSTIN, For payment of Attorney fees in Washington State Supreme Court causes No. 42570 and No. 42571	\$ 15,676.00
(5) FRANCIS E. NELSON, Payment for destruction of residence by inmate at Rainier School: PROVIDED, That the state auditor is authorized and directed to draw up a separate warrant with voucher, such voucher to be presigned by Francis E. Nelson prior to release of the warrant, which voucher shall state: "The acceptance of this amount releases the state of Washington and all of its political subdivisions, and their agents, of further claims arising out of the destruction of the residence of the claimant by an inmate at Rainier School"	\$ 18,500.00
(6) GARY F. BASS, For attorney fees and costs for representing Francis E. Nelson: PROVIDED, That the state auditor is authorized and directed to draw up a separate warrant with voucher, such voucher to be presigned by Gary F. Bass prior to the release of the warrant, which voucher shall state: "The acceptance of this amount relieves the state of Washington of any further claims by me for legal services on behalf of Francis E. Nelson and satisfies any claim for legal services I have against my client, Francis E. Nelson, for representing her in the case involving the destruction of residence by an inmate of Rainier School"	\$ 3,500.00
(7) WESTRADE, INC., Payment for refund of utility tax	\$ 14,627.09
(8) DEPARTMENT OF EMPLOYMENT SECURITY, Refund of "Emergency Employment Act" funds	\$ 17,001.76
(9) Payment for loss of personal property lost in armed robbery at liquor store:	
JOSEPH MATSUYAKI	\$ 38.50
WILBUR WRIGHT	\$ 38.00
IRVING R. SEVENSON	\$ 32.00
(10) Payment for loss of personal tools stolen from Department of Highways Maintenance Shop:	
HERCHEL L. HAMNER	\$ 382.48
ESTATE OF RICHARD F. PICKERING	\$ 377.58
(11) INGRAM, LELASKO, AND GOODWIN, For payment of legal services for representing an indigent, No. 1452-II	\$ 1,019.90
(12) STANFORD RESEARCH INSTITUTE, For services rendered at Francis-Hadden Morgan Children's Center	\$ 25,413.00
(13) CAWDREY AND VEMO, INC., For payment of judgment against the State of Washington, No. 768324	\$ 175,000.00
(14) JOHN LOWRIE, For payment of judgment against the State of Washington, No. 18000	\$ 371.00
(15) For payments to widows of policemen in lieu of pension: PROVIDED, That the state auditor is authorized and directed to establish such allocation arrangements so as to reduce, to the extent possible, any ineligibility for public assistance that the recipient may be subject to as a result of this appropriation: PROVIDED FURTHER, That the state auditor shall not make an allocation to a recipient named herein if such recipient is deceased on or before the effective date of this act:	
ALICE KLOAK	\$ 1,428.00
MRS. GEORGE HOODE	\$ 1,678.00

CLAIRE TELLING	\$ 2,000.00
JEAN RICHARDSON	\$ 1,964.00
MRS. SIGNORA HALE	\$ 1,357.00
PAT STOWE	\$ 1,749.00
MARGARET PLAYFORD	\$ 1,714.00
ELIZABETH DICKINSON	\$ 1,178.00
SUZAN KENT	\$ 1,035.00
ADA AASLAND	\$ 1,357.00
MILDRED JORDAN (Now MRS. WM. KEHOE)	\$ 2,000.00
MRS. GLADYS DUGGINS	\$ 1,464.00
MRS. FAYE KEMPER	\$ 1,392.00
JEANIE OVERHOLT	\$ 1,357.00
ERMA E. BETTINGER	\$ 2,000.00
MAUDE COX	\$ 1,678.00
LEVA JOHNSON	\$ 1,642.00
MYRTLE MANNING	\$ 1,535.00
VIVIAN SEXSMITH	\$ 1,607.00
FANNY WAGNER	\$ 1,428.00
BERTHA SAVAGE	\$ 1,821.00
ALVETA JOHNSON	\$ 1,214.00
BETTY WARREN	\$ 1,892.00
VIOLET FARRAR	\$ 1,785.00
MARION OLMSTEAD	\$ 1,607.00
MARY LYONS	\$ 1,678.00
MARIE HERBST	\$ 1,821.00
MARY LUNDBERG	\$ 1,642.00
HELEN PENN	\$ 1,749.00
INA BERGLUND	\$ 1,464.00
GRACE JENSEN	\$ 1,749.00
FRANCES FINNEL	\$ 1,249.00
ESTHER SNYDER	\$ 1,428.00
HAZEL BOLEN	\$ 1,428.00
MAY COVELL	\$ 1,535.00
PAULINE RAMBO	\$ 1,464.00
EDNA OAKES	\$ 1,642.00
EVA ROBBINS	\$ 1,535.00
RUTH HOUSEHOLDER	\$ 1,249.00
GERTRUDE HALLSON	\$ 1,857.00
RUTH BIGHAM	\$ 1,785.00
ADELSA DOPH	\$ 1,607.00
JANETTE CASE	\$ 1,607.00
LELA HINTON	\$ 1,284.00
ALICE JORDAN	\$ 1,214.00
MILDRED KENNEDY	\$ 1,607.00
ROSA MARCY	\$ 2,000.00

PUBLIC ASSISTANCE BELATED CLAIMS

General Fund appropriation to the department of social and health services for various vendors in full settlement of services rendered to welfare patients to be paid at the rate of fifty percent of each late billing received for services rendered, on vouchers approved by the department of social and health services \$401,417.00

CRIMINAL COST BILLS

General Fund Appropriation reimbursing counties for various cost bills in felony cases to be disbursed on vouchers approved by the state auditor:

TREASURER, CLARK COUNTY	\$ 19.90
TREASURER, GRANT COUNTY	\$ 123.40
TREASURER, KING COUNTY	\$ 18,255.05
TREASURER, KITSAP COUNTY	\$ 1,779.80
TREASURER, OKANOGAN COUNTY	\$ 3,446.00
TREASURER, PIERCE COUNTY	\$ 1,479.00
TREASURER, SNOHOMISH COUNTY	\$ 1,028.70
TREASURER, SPOKANE COUNTY	\$ 449.60
TREASURER, WALLA WALLA COUNTY	\$ 682.90
TREASURER, WHATCOM COUNTY	\$ 176.50
TREASURER, WHITMAN COUNTY	\$ 677.30
TREASURER, YAKIMA COUNTY	\$ 800.20

ELECTION COSTS

General Fund Appropriation reimbursing counties for the state's share of election costs:

ADAMS COUNTY	\$ 3,129.64
ASOTIN COUNTY	\$ 2,564.43
BENTON COUNTY	\$ 4,993.27
CHELAN COUNTY	\$ 7,554.96
CLALLAM COUNTY	\$ 4,501.38
CLARK COUNTY	\$ 13,700.39
COLUMBIA COUNTY	\$ 671.40
COWLITZ COUNTY	\$ 8,180.41
DOUGLAS COUNTY	\$ 3,175.00
FERRY COUNTY	\$ 2,165.45
FRANKLIN COUNTY	\$ 1,531.96
GARFIELD COUNTY	\$ 776.68
GRANT COUNTY	\$ 5,817.58
GRAYS HARBOR COUNTY	\$ 5,976.53
ISLAND COUNTY	\$ 4,980.01
JERFERSON COUNTY	\$ 2,023.83
KING COUNTY	\$ 96,872.20
KITSAP COUNTY	\$ 7,729.22
KITTITAS COUNTY	\$ 4,585.08
KLICKITAT COUNTY	\$ 2,828.19
LEWIS COUNTY	\$ 4,792.43
LINCOLN COUNTY	\$ 1,673.26
MASON COUNTY	\$ 3,216.75
OKANOGAN COUNTY	\$ 4,571.08
PACIFIC COUNTY	\$ 4,996.39
PEND OREILLE COUNTY	\$ 1,115.07
PIERCE COUNTY	\$ 19,979.18
SAN JUAN COUNTY	\$ 1,357.00
SKAGIT COUNTY	\$ 5,703.13
SKAMANIA COUNTY	\$ 684.39
SNOHOMISH COUNTY	\$ 11,351.20
SPOKANE COUNTY	\$ 29,500.93
STEVENS COUNTY	\$ 1,538.38
THURSTON COUNTY	\$ 10,359.95
WAHIAKUM COUNTY	\$ 1,489.60
WALLA WALLA COUNTY	\$ 5,844.55
WHATCOM COUNTY	\$ 9,795.78
WHITMAN COUNTY	\$ 7,750.82
YAKIMA COUNTY	\$ 13,580.15

NEW SECTION. Sec. 189. In accordance with the provisions of this section the office of program planning and fiscal management shall use the allotment process

during the 1975-77 biennium to control the funding of the formula portion of the instruction and the departmental research programs of all the four year institutions of higher education and the community colleges. For the purpose of the controls outlined in this section, deviations in the formula entitlements for faculty staffing shall be the controlling factor. For the purpose of this section, the "contract level" is defined as the formula entitlement level upon which the budget is based, and the "base level" is defined as the formula entitlement level corresponding to the prior year's contract or actual enrollment level, whichever is lower. Controls shall be applied to each four year institution separately and to the community college education system as a total entity. "Growth funding" is defined as that portion of the appropriation by which the contract level exceeds the base level. All growth funds shall be reserved at the time of annual allotments. Such reserves shall be released only to the extent that the contract level is achieved, based upon the office of program planning and fiscal management's population studies section projections of full year enrollments from actual enrollments on the tenth day of the fall term. Growth funding not so released shall lapse at the end of a fiscal year. In any case where actual formula faculty entitlement, as computed from full year enrollments in spring, exceeds the contract level by more than one and one-half percent, appropriated funds equal in amount to the student operating fees derived from such excess enrollment shall be withheld during the same or subsequent year and shall revert to the state general fund following the close of the 1975-1977 biennium.

NEW SECTION. Sec. 190. All or any portion of the funds provided in sections 150 through 165 of this act for allocation to school districts shall be withheld by the superintendent of public instruction from any school district which expends moneys in excess of such districts certified budget or budget extensions thereto as filed with the office of the superintendent of public instruction and the state board of education.

NEW SECTION. Sec. 191. Every state agency other than institutions of higher education, common school or intermediate school districts, and the legislature, shall have withheld from the allotments or series of allotments to be made to such agencies by the office of program planning and fiscal management during the fiscal year 1977 an amount of money equal to not less than three percent of the funds available for expenditure by each such agency for full time equivalent staff years from the appropriations contained in this act.

NEW SECTION. Sec. 192. Any state agency which receives funds pursuant to the provisions of this act and utilizes any portion of such funds for grants to local public bodies shall not withhold consideration of potential grant projects for local public bodies located within the Trident impact area merely on the basis that federal funds for the same or similar services and/or projects are or will be available at the present time or at some future date.

NEW SECTION. Sec. 193. It is the expressed intention of the legislature that agency operational activity will be regularly monitored by the office of program planning and fiscal management, under their statutory authority relating to the allotment control function, in order to limit fluctuations in biennial spending patterns which tend to inflate the final current level base. Particular control emphasis will be placed on those instances in which biennial full time equivalent employment authorization is deliberately delayed in order to increase the agency position count as substantiation for the ensuing biennial request. Unanticipated receipts, which are authorized and expended by any state agency, shall not be used as the basis for expansion of current level full time equivalents, as it relates to legislative appropriations made prior to such authorization, unless definite assurance is made of continuation of funds from the specific source involved.

NEW SECTION. Sec. 194. The word "agency" used in this act, unless the context requires otherwise, 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 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 committee on which one or more of the above-mentioned officials serve.

NEW SECTION. Sec. 195. 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 budget committee, the statute law committee, and any legislative committee; or the judicial branch of state government: **PROVIDED FURTHER**, 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 revisions 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, 1975; for the sole purpose of authorizing agencies to order goods, supplies, or services for delivery after July 1, 1975: **PROVIDED**, That no expenditures may be made from the appropriations contained in this act, except as otherwise provided, until after July 1, 1975.

NEW SECTION. Sec. 196. Whenever possible, the receipt of federal or other funds which are not anticipated by the governor's budget or in the appropriations enacted by the legislature shall be used to support regular programs instead of using funds appropriated from state taxes or similar revenue sources.

NEW SECTION. Sec. 197. 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 192 of this act. 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. 198. 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 of 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.

NEW SECTION. Sec. 199. 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. 200. 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 di-

rect the repayment of such allocated amount to the general fund from any balance in the fund or funds which finance such agency. No appropriation shall be necessary to effect such repayment.

NEW SECTION. Sec. 201. In addition to the amounts appropriated in this act for revenue for distribution, excluding those funds appropriated for urban mass transit assistance, 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. 202. 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. 203. 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 or otherwise acquire 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. 204. Except as otherwise provided in this act, any receipts from federal or other sources or from gifts or grants in excess of those estimated in the budget may be received and allotted by the governor. In the event that receipts shall be less than those estimated in the budget from any source the appropriation shall be limited to the amount received and allotments made as provided in section 195 of this act. 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. Whenever possible, the receipt of federal or other funds which are not anticipated by the governor's budget or the legislature shall be used to support regular programs instead of using appropriated funds.

NEW SECTION. Sec. 205. (1) From the amount appropriated to the house of representatives for the expenses and costs of the legislature by section 2, chapter 16, Laws of 1975 1st ex. sess., the house of representatives shall reimburse the speaker for not more than one hundred days, in lieu of per diem at the rate of forty dollars per day for each day or major portion thereof in which he is actually engaged in completing the work of the forty-fourth legislature and is completing his duties as speaker during the interim period until the convening of the next regular session of the legislature.

(2) From the amounts appropriated to the senate and the house of representatives for the expenses and costs of the legislature by section 2, chapter 16, Laws of 1975 1st ex. sess., the senate and house of representatives respectively shall reimburse their members in quarterly amounts of not to exceed one hundred fifty dollars upon presentation of vouchers by a member claiming reimbursement for interim expenses and certified by

him that his expenses for such three month period were equal to or in excess of one hundred fifty dollars.

NEW SECTION. Sec. 206. 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. 207. 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 4 of the title after "1977;" and before "designating" insert "making other appropriations;"

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson, Second Vice Chairman; Bailey, Clarke, Fleming, Grant, Jones, Mardesich, Marsh, Newschwander, Rasmussen, Sandison, Scott, Washington, Woody.

Senator Francis moved that the following amendments by Senators Francis, Goltz, Grant, Guess, Gould and Scott to the committee amendment be considered and adopted simultaneously:

On page 48 of the amendment, line 19, strike "\$326,781" and insert "466,781"

On page 48, line 21, strike "1,151,781" and insert "\$1,291,781"

On page 48, after line 9, insert:

(3) \$140,000 shall be used for a grant to the United Indians of All Tribes Foundation for construction of the native American bicentennial center at Discovery Park, Seattle, Washington: PROVIDED, That no state funds shall be expended until matching funds have been made available."

Debate ensued.

The motion by Senator Francis failed and the amendments to the committee amendment were not adopted.

Senator Pullen moved adoption of the following amendment by Senators Pullen, Lewis (R. H. "Bob"), Benitz and Guess to the committee amendment:

On page 24 after line 5 insert a new subsection to read as follows:

"(11) No person, who is an "unemployed employable person" as that term is defined in RCW 74.04.005(6)(b), shall be eligible to receive public assistance," as that term is defined in RCW 74.04.005(1), unless said person is engaged in an approved public service activity. The department shall, by regulation, establish the procedures whereby public service activities are approved and this subsection implemented: PROVIDED, That this subsection shall not apply to the extent that its provisions are inconsistent with the Federal law."

Debate ensued.

The motion by Senator Pullen failed and the amendment to the committee amendment was not adopted.

Senator Pullen moved adoption of the following amendment by Senators Pullen, Cunningham, Lewis (R. H. "Bob"), Benitz and Guess to the committee amendment:

On page 26, after line 34 insert the following:

"(9) No portion of this appropriation shall be spent to enable an inmate who is serving a term for first degree murder, robbery in the first degree, or kidnapping in the first degree to participate in any furlough or work release program during the first three years of confinement."

On motion of Senator Francis, the following amendment to the amendment by Senators Pullen, Cunningham, Lewis (R. H. "Bob"), Benitz and Guess was adopted:

On the second line of the amendment after "for" and before "murder" insert "first degree"

Debate ensued.

The motion by Senator Pullen failed and the amendment, as amended, to the committee amendment was not adopted on a rising vote.

Senator Day moved adoption of the following amendment by Senators Day, Francis, Herr, Sellar and Lewis (R. H. "Bob") to the committee amendment:

On page 35, line 28, after "PROGRAM" strike all the material through line 31 and insert:

"General Fund Appropriation—State	\$219,549,977
General Fund Appropriation—Federal	225,200,215
Total Appropriation	444,750,192"

Debate ensued.

Senator Day demanded a roll call and the demand was sustained by Senators Washington, Bailey, Gould, Sellar, von Reichbauer, Fleming, Talley, Buffington and Jones.

The President declared the question before the Senate to be the amendment by Senators Day, Francis, Herr, Sellar and Lewis (R. H. "Bob") to the committee amendment.

ROLL CALL

The Secretary called the roll and the amendment to the committee amendment was not adopted by the following vote: Yeas, 18; nays, 29; excused, 2.

Voting yea: Senators Benitz, Buffington, Cunningham, Day, Francis, Gould, Grant, Guess, Herr, Keefe, Lewis (Harry), Lewis (R. H. "Bob"), Morrison, Pullen, Sellar, Talley, von Reichbauer, Wanamaker—18.

Voting nay: Senators Bailey, Beck, Bluechel, Bottiger, Clarke, Donohue, Fleming, Goltz, Henry, Jolly, Jones, Knoblauch, Mardesich, Marsh, Matson, McDermott, Newschwander, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott, Stortini, Van Hollebeke, Walgren, Washington, Wilson, Woody—29.

Excused: Senators Murray, North—2.

There being no objection, the amendment to the committee amendment by Senators Day, Francis, Herr, Sellar and Lewis (R. H. "Bob") to page 36, line 17 on the Secretary's desk, was withdrawn.

Senator Morrison moved adoption of the following amendment to the committee amendment:

On page 68, beginning on line 16, strike all the matter through "year" on line 22 and insert "For the 1975-76 school year, fifty million dollars shall be distributed through the school equalization formula as used elsewhere in this budget measure, and forty-five million dollars shall be distributed in a similar manner for the 1976-77 school year."

Debate ensued.

The motion by Senator Morrison failed and the amendment to the committee amendment was not adopted.

Further debate ensued.

There being no objection, the amendment by Senators Morrison and Gould amending new section 151 of the committee amendment on the Secretary's desk, was withdrawn.

Engrossed Substitute House Bill No. 866 was considered in the Committee on the Whole and on motion of Senator Mardesich the Committee reported back with the recommendation that Engrossed Substitute House Bill No. 866 do pass as amended.

President Cherberg assumed the Chair.

On motion of Senator Donohue, the rules were suspended, Engrossed Substitute House Bill No. 866, 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 Odegaard: "For a matter of the record, will Senator Donohue yield to a question? The House version of the budget used the lagged enrollment methodology in building the community college budget. Under lagged enrollment, the community college system is funded on last year's enrollment level which, in effect, does not fund increased enrollments that will take place during the next biennium. Now with the contracted enrollment approach which is proposed in this budget, will each college district for the 75-76 school year be funded on the basis of the 74-75 actual enrollments plus the contracted growth?"

Senator Donohue: "That is correct."

Further debate ensued.

POINT OF INQUIRY

Senator Lewis (Harry): "I think that there is no question that we may have performed a miracle here with inflation what it was and what it has been, and the difficulties in writing a budget, and I would like to compliment the chairman as well for a lot of hard work, and I wonder if he would yield to a question, Senator Donohue. Senator Donohue, I know it is rather late and I do not want to belabor things but I do have a couple of serious questions I would like you to respond to, if you would, for the record. I notice one agency in particular that seems to me just in the time that I have had to peruse this, that was reduced about seven hundred and forty-two thousand dollars from a total budget of some twelve million, seven hundred and forty-two thousand dollars below the House budget, and that is the Planning and Community Affairs Agency. Senator Donohue, do you feel that that agency will be able to complete its job during the biennium with the amount of money that has been allotted to it by your committee?"

Senator Donohue: "Yes, Senator, I do. Part of that reduction, I remember offhand without having notes in front of me, was a reduction in administration after we found that the Planning and Community Affairs Agency was able to keep a certain percent of all the federal funds, and I think there are millions of dollars, over a hundred million dollars that goes through the Planning and Community Affairs, and that they were able to keep a certain percent of that for administrative purposes. Consequently, we did reduce considerably in that area, but as I said to you earlier, if you will look to the last year's appropriation in any agency in government, you will find that they all had increases and that we have tried in no way to be vindictive toward any agency or any department of state government."

Senator Lewis (Harry): "I wonder if you would yield to another question, Senator Donohue? I am looking ahead to January, considering the proposals that the majority has made in the school area and I am wondering if you would respond; what in your best judgment will be the position of this legislature in January as to revenue from existing tax sources and also the state's position, in your best judgement, in January as to the need for new taxes?"

Senator Donohue: "If we are going to be coming back here, Senator, in January, and I assume that if history repeats itself we will be, I think we will recognize that we probably are going to be faced with some difficult problems. I think that we recognize that the issues, especially the areas of schools, education and special levies, are going to be with us. I am not ready at this time to say whether or not we are going to need new taxes or not. I am hoping that the revenues will increase. I am hoping that some of the things that we have done in the area of provisos within this budget in departments such as Social and Health Services and in the educational areas, will give them the opportunity to help us save some money by good management, and maybe with that help there will be reversions. In answer to your question, I think it is too early to tell whether we are going to need taxes or not, but I think we are faced in January with very difficult decisions and I think that we recognize that. I think that at that time we will have to make the decisions as to whether or not taxes are going to be necessary."

Further debate ensued.

POINT OF INQUIRY

Senator McDermott: "I wonder if Senator Fleming would yield to a question? Senator Fleming, line 8 in section 151, I wonder if you could explain the legislative intent of that proviso which follows thereafter relating to the five million dollars that is in the special fund?"

Senator Fleming: "Senator McDermott and members of the Senate, the section that Senator McDermott is referring to is a proviso that provides a special categorical grant to those districts where levies have failed that have a high percentage of urban, rural, racial, and disadvantaged children, to continue quality education programs. What that means is that those districts, and particularly Seattle, that have tried these levies, and the Washington State Senate is recognizing the unique problems that have arisen as a result of the failure of those levies in Seattle, in particular the central area of Seattle, where those areas where they have specific programs—those programs have been decimated.

Most of the teachers, or a larger percentage of the teachers, in the programs in those areas where there is a need, have been decimated, and so what that is recognizing is that if we are going to give some relief to our schools, then in those areas where they have been hit hardest, that we are intending to make a priority in terms of putting teachers and programs back into those areas so as to have approximately the same student-teacher ratio that existed during the 74-75 year in those districts. That is basically what is intended—to try to put back into those areas in terms of need.”

Senator Mardesich: “Mr. President, just so that there is no question here, Senator Fleming and Senator McDermott, do not overlook the fact that there is a Slav colony in Everett and we fit into that classification of disadvantaged and racial.”

Further debate ensued.

POINT OF INQUIRY

Senator Guess: “Will Senator Fleming yield? I need to know, and you have raised some doubts in my mind now on the exposition of this categorical grant, will you please tell me how the categorical grant is going to be divided, is it a formula basis or is this just for Seattle?”

Senator Fleming: “In the bottom of the major amendment that we have it says, ‘The Superintendent of Public Instruction, pursuant to chapter 34.04, shall promulgate rules and regulations to effect the intent of this section.’”

POINT OF INQUIRY

Senator Guess: “Will Senator Bottiger yield? Senator Bottiger, could you clarify this, because between Pierce County and Spokane County we have as many students as Seattle does, and in talking with my superintendent tonight they have just as serious problems in Spokane with the people that are in this category as Seattle does, and so I wonder if we are going to get a fair share of this?”

Senator Bottiger: “Senator Guess, the way the bill is drafted, a district that has lost its levy and thereby is unable to meet the allocation and the maintenance of effort under federal regulations could conceivably lose a great deal of money, so the bill as written says that if, because of a levy failure, you would have to reduce this program which is one that has received substantial federal money, the Superintendent pursuant to his rules and regulations can provide a method for allocating that fund. I do not want anybody to get the idea it is just Seattle, because there are some small school districts that have lost levies that have large Indian populations, Mexican-American, other situations, and I would not want the record clouded to suggest that there was only one school district getting all the money.”

Senator Guess: “Senator Bottiger, do you have any idea what percentage Seattle will get out of this?”

Senator Bottiger: “None at all.”

POINT OF INQUIRY

Senator Guess: “Senator Newschwander, were you in Ways and Means when they discussed what percentage Seattle will get?”

Senator Newschwander: “I believe that Senator Lewis asked the same question and we heard ninety percent for Seattle. If I am wrong, Senator Fleming, you can stand up and correct me.”

Senator Guess: “That is the whole bill?”

Senator Woody: “Mr. President and members of the Senate, having been there at the Ways and Means meeting, that was questions addressed to each other, not by witnesses. There were estimates and opinions only. I think the opinions were more in the way of hopeful on the part of Senator Fleming rather than a reality. It depends upon the rules and regulations that will be promulgated by the Superintendent’s office. It depends upon the eligibility of the varying school districts. One cannot say that any one school district will get any certain percentage until they qualify and until they qualify under the rules and regulations that have not yet been promulgated by the Superintendent of Public Instruction.”

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 866, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 866, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 35; nays, 12; excused, 2.

Voting yea: Senators Bailey, Beck, Bottiger, Buffington, Clarke, Donohue, Fleming, Francis, Goltz, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Mardesich, Marsh, Matson, McDermott, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott, Stortini, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson, Woody—35.

Voting nay: Senators Benitz, Bluechel, Cunningham, Day, Gould, Lewis (Harry), Lewis (R. H. "Bob"), Morrison, Newschwander, Pullen, Sellar, von Reichbauer—12.

Excused: Senators Murray, North—2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 866, 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.

EXPLANATION OF VOTE

I would like to have entered in the Journal my reason for voting "No" on final passage of ESHB 866, the general state government budget.

I cast a "No" vote in order to be appointed to a conference committee on the bill if such a need were to arise. This was my only reason for voting "No". I was in favor of the budget; however, in order to serve on any conference committee that could possibly be appointed, it was necessary for me to vote as I did.

Signed by: Senator Charles E. Newschwander

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

MESSAGE FROM THE HOUSE

May 29, 1975.

Mr. President: The House has passed: SUBSTITUTE HOUSE BILL NO. 1174, and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

INTRODUCTION AND FIRST READING

SUBSTITUTE HOUSE BILL NO. 1174, by Committee on Agriculture (originally sponsored by Representative Fortson:

Permitting youthful pickers for berries to be sold in Intrastate commerce.

Referred to Committee on Agriculture.

MOTIONS

On motion of Senator Mardesich, the Senate dispensed with the Call of the Senate.

At 2:08 p.m., on motion of Senator Mardesich, the Senate adjourned until 1:30 p.m., Friday, May 30, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

SEVENTY-EIGHTH DAY

AFTERNOON SESSION

Senate Chamber, Olympia, Friday, May 30, 1975.

The Senate was called to order at 1:30 p.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Benitz, Fleming, Keefe and Murray. On motion of Senator Lewis (R. H. "Bob"), Senator Murray was excused. On motion of Senator Knoblauch, Senator Keefe was excused.

The Color Guard, consisting of Pages Sheri Kaylor and Bill Smith presented the Colors. Reverend Charles Loyer, pastor of Westminster United Presbyterian Church of Olympia, offered the following prayer:

"ETERNAL GOD AND FATHER, WE THANK THEE FOR THE REST OF THE NIGHT AND THE PROMISE OF A NEW DAY. GRANT TO EACH OF US THAT INNER SERENITY WHICH MAKES FOR ORDERLINESS OF MIND AND OBJECTIVITY OF DECISION. HELP US SO TO EMPLOY OUR TALENTS THAT WE SHALL MERIT THE COMMENDATION OF THOSE WE SEEK TO SERVE. GUIDE THE LEGISLATORS AT THEIR WORK. MAY THE CLOSING DAYS OF THIS SPECIAL SESSION BE NOTABLY OUTSTANDING FOR THEIR BI-PARTNERSHIP, THEIR GREAT INSIGHTS AND THEIR WISE DECISIONS. AMEN."

MOTION

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

MOTION

On motion of Senator Knoblauch, the Senate observed a moment of silence in commemoration of Memorial Day.

REPORTS OF STANDING COMMITTEES

May 29, 1975.

SUBSTITUTE HOUSE BILL NO. 860, relating to transportation studies (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Walgren, Chairman; Henry, Vice Chairman; Beck, Benitz, Bluechel, Bottiger, Guess, Jolly, Knoblauch, Lewis (R. H. "Bob"), Morrison, Peterson, Sellar, Stortini, Talley, Wanamaker.

Passed to Committee on Rules for second reading.

May 30, 1975.

SUBSTITUTE HOUSE BILL NO. 1174, permitting youthful pickers for berries to be sold in intrastate commerce (reported by Committee on Agriculture):

Recommendation: Do pass.

Signed by: Senators Jolly, Chairman; Benitz, Day, Sellar, Wilson.

Passed to Committee on Rules for second reading.

May 30, 1975.

ENGROSSED SUBSTITUTE HOUSE JOINT MEMORIAL NO. 26, memorializing Congress to permit children under 12 to harvest crops (reported by Committee on Agriculture):

Recommendation: Do pass.

Signed by: Senators Jolly, Chairman; Benitz, Day, Sellar, Wilson.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

May 29, 1975.

Mr. President: The Speaker has signed SUBSTITUTE HOUSE BILL NO. 479, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MESSAGE FROM THE HOUSE

May 22, 1975.

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 2408 with the following amendments:

Strike all of the bill after the enacting clause and insert the following:

"*NEW SECTION.* Section 1. (1) It is the intent of the legislature by the adoption of sections 1 through 31 of this 1975 amendatory act to provide, in the area of public employment, for the more uniform and impartial (a) adjustment and settlement of complaints, grievances, and disputes arising out of employer-employee relations and, (b) selection and certification of bargaining representatives by transferring jurisdiction of such matters to the public employment relations commission from other boards and commissions. It is further the intent of the legislature, by such transfer, to achieve more efficient and expert administration of public labor relations administration and to thereby ensure the public of quality public services.

(2) Nothing contained in sections 1 through 31 of this 1975 amendatory act shall be construed to alter any existing collective bargaining unit or the provisions of any existing bargaining agreement.

(3) Nothing contained in sections 1 through 31 of this 1975 amendatory act shall be construed to alter any power or authority regarding the scope of collective bargaining in the employment areas affected by sections 1 through 31 of this 1975 amendatory act, but sections 1 through 31 of this 1975 amendatory act shall be construed as transferring existing jurisdiction and authority to the public employment relations commission.

(4) Nothing contained in sections 1 through 31 of this 1975 amendatory act shall be construed to prohibit the consideration or adjustment of complaints or grievances by the public employer.

NEW SECTION. Sec. 2. (1) There is hereby created the public employment relations commission (hereafter called the "commission") to administer the provisions of this chapter. The commission shall consist of three members who shall be citizens appointed by the governor by and with the advice and consent of the senate: PROVIDED, That no member appointed when the legislature was not in session shall continue to be a member of the commission after the thirtieth day of the next legislative session unless his appointment shall have been approved by the senate. One of the original members shall be appointed for a term of three years, one for a term of four years, and one for a term of five years. Their successors shall be appointed for terms of five years each, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he succeeds. Commission members shall be eligible for reappointment. The governor shall designate one member to serve as chairman of the commission. Any member of the commission may be removed by the governor, upon notice and hearing, for neglect of duty or malfeasance in office, but for no other cause.

(2) No person may be appointed, reappointed, or continue to serve as a member of the commission who is employed by the state or any agency or subdivision thereof.

(3) In making citizen member appointments initially, and subsequently thereafter,

the governor shall be cognizant of the desirability of appointing persons knowledgeable in the area of labor relations in the state.

(4) A vacancy in the commission shall not impair the right of the remaining members to exercise all of the powers of the commission, and two members of the commission shall, at all times, constitute a quorum of the commission.

(5) The commission shall at the close of each fiscal year make a report in writing to the legislature and to the governor stating the cases it has heard, the decisions it has rendered, the names, salaries, and duties of all employees and officers in the employ or under the supervision of the commission, and an account of all moneys it has disbursed.

NEW SECTION. Sec. 3. (1) Each member of the commission shall be paid fifty dollars for each day in which he has actually attended a meeting of the commission officially held. The members of the commission may receive any number of daily payments for official meetings of the commission actually attended. Members of the commission shall also be reimbursed for necessary travel and other expenses incurred in the discharge of their official duties on the same basis as is provided for state officers and employees generally in chapter 43.03 RCW.

(2) The commission shall appoint an executive director whose annual salary shall be determined under the provisions of RCW 43.03.028. He shall perform such duties and have such powers as the commission shall prescribe in order to carry out the provisions of this chapter, including assisting employees and employers in the settlement of labor disputes through mediation and fact-finding. The executive director, with such assistance as may be provided by the attorney general and such additional legal assistance consistent with chapter 43.10 RCW, shall have authority on behalf of the commission, in matters concerning the investigation of charges and issuances of complaints under this chapter.

(3) The commission shall employ such employees as it may from time to time find necessary for the proper performance of its duties, consistent with the provisions of this chapter.

(4) All of the expenses of the commission, including all necessary traveling and subsistence expenses outside the city of Olympia incurred by the members or employees of the commission under its orders, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the commission or by any individual it designates for that purpose.

NEW SECTION. Sec. 4. (1) It shall be the duty of the commission, in order to prevent or minimize interruptions growing out of labor disputes, to assist employers and employees to settle such disputes through mediation and fact-finding.

(2) The commission, through the director, may proffer its services in any labor dispute involving a political subdivision, municipal corporation, or the community college system of the state, either upon its own motion or upon the request of one or more of the parties to the dispute, whenever in its judgment such dispute threatens to cause a substantial disruption to the public welfare.

(3) If the director is not able to bring the parties to agreement by mediation within a reasonable time, he shall seek to induce the parties to voluntarily seek other means of settling the dispute without resort to strike or other coercion, including submission to the employees in the bargaining unit of the employer's last offer of settlement for approval or rejection in a secret ballot. The failure or refusal of either party to agree to any procedure suggested by the director shall not be deemed a violation of any duty or obligation imposed by this chapter.

(4) Final adjustment by a method agreed upon by the parties is declared to be the desirable method for settlement of grievance disputes arising over the application or interpretation of an existing collective bargaining agreement. The commission is directed to make its mediation and fact-finding services available in the settlement of such grievance disputes only as a last resort.

NEW SECTION. Sec. 5. The principal office of the commission shall be in the city of Olympia, but it may meet and exercise any or all of its powers at any other place in the state.

NEW SECTION. Sec. 6. In order to prevent or minimize disruptions to the public

welfare growing out of labor disputes, employers and employees and their representatives shall:

(1) Exert every reasonable effort to make and maintain agreements concerning rates of pay, hours, and working conditions, including provision for adequate notice of any proposed change in the terms of such agreements;

(2) Whenever a dispute arises over the terms or application of a collective bargaining agreement and a conference is requested by a party or prospective party thereto, arrange promptly for such a conference to be held and endeavor in such conference to settle such dispute expeditiously; and

(3) In case such dispute is not settled by conference, participate fully and promptly in such meetings as may be undertaken by the commission under this chapter for the purpose of aiding in a settlement of the dispute.

NEW SECTION. Sec. 7. The commission shall have authority from time to time to make, amend, and rescind, in the manner prescribed by the administrative procedure act, chapter 34.04 RCW, such rules and regulations as may be necessary to carry out the provisions of this chapter.

Sec. 8. Section 3, chapter 108, Laws of 1967 ex. sess. as amended by section 2, chapter 131, Laws of 1973 and RCW 41.56.030 are each amended to read as follows:

As used in this chapter:

(1) "Public employer" means any officer, board, commission, council, or other person or body acting on behalf of any public body governed by this chapter as designated by RCW 41.56.020, or any subdivision of such public body.

(2) "Public employee" means any employee of a public employer except any person (a) elected by popular vote, or (b) appointed to office pursuant to statute, ordinance or resolution for a specified term of office by the executive head or body of the public employer, or (c) [whose duties as deputy, administrative assistant or secretary necessarily imply a confidential relationship to the executive head or body of the applicable bargaining unit, or any person elected by popular vote or appointed to office pursuant to statute, ordinance or resolution for a specified term of office by the executive head or body of the public employer] *who is a confidential employee as defined in this section.*

(3) "Bargaining representative" means any lawful organization which has as one of its primary purposes the representation of employees in their employment relations with employers.

(4) "Collective bargaining" means the performance of the mutual obligations of the public employer and the exclusive bargaining representative to meet at reasonable times, to confer and negotiate in good faith, and to execute a written agreement with respect to grievance procedures and collective negotiations on personnel matters, including wages, hours and working conditions, which may be peculiar to an appropriate bargaining unit of such public employer, except that by such obligation neither party shall be compelled to agree to a proposal or be required to make a concession unless otherwise provided in this chapter.

(5) ["Department" means the department of labor and industries] *"Commission" means the public employment relations commission.*

(6) "Uniformed personnel" means (a) law enforcement officers as defined in RCW 41.26.030 as now or hereafter amended, of cities with a population of fifteen thousand or more or law enforcement officers employed by the governing body of AA counties or (b) fire fighters as that term is defined in RCW 41.26.030, as now or hereafter amended.

(7) "Supervisor" *means any individual having authority, in the interest of the employer, to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, or discipline other employees, or responsibly to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.*

(8) "Professional employee" means:

(a) *Any employee engaged in work: (i) Predominantly intellectual and varied in character as opposed to routine mental, manual, mechanical, or physical work: (ii) in-*

volving the consistent exercise of discretion and judgment in its performance: (iii) of such a character that the output produced or the result accomplished cannot be standardized in relation to a given period of time: (iv) requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher learning or a hospital, as distinguished from a general academic education or from an apprenticeship or from training in the performance of routine mental, manual, or physical processes; or

(b) Any employee, who (i) has completed the courses of specialized intellectual instruction and study described in clause (iv) of paragraph (a), and (ii) is performing related work under the supervision of a professional person to qualify himself to become a professional employee as defined in paragraph (a).

(9) Confidential employee means:

(a) Any person who participates directly on behalf of an employer in the formulation of labor relations policy, the preparation for or conduct of collective bargaining, or the administration of collective bargaining agreements, except that the role of such person is not merely routine or clerical in nature but calls for the consistent exercise of independent judgment; and

(b) Any person who assists and acts in a confidential capacity to such person.

Sec. 9. Sections 5, chapter 108, Laws of 1967 ex. sess. and RCW 41.56.050 are each amended to read as follows:

In the event that a public employer and public employees are in disagreement as to the selection of a bargaining representative the [department] commission shall be invited to intervene as is provided in RCW 41.56.060 through 41.56.090, as now or hereafter amended.

Sec. 10. Section 6, chapter 108, Laws of 1967 ex. sess. and RCW 41.56.060 are each amended to read as follows:

The [department] commission, after hearing upon reasonable notice, shall decide in each application for certification as an exclusive bargaining representative, the unit appropriate for the purpose of collective bargaining: *PROVIDED, That the commission shall not decide that any unit is appropriate for such purposes if such unit includes both supervisors and/or professional employees and employees who are not supervisors and/or professional employees unless a majority of the supervisors and/or professional employees vote for inclusion in such unit.* In determining, modifying, or combining the bargaining unit, the [department] commission shall consider the duties, skills, and working conditions of the public employees; the history of collective bargaining by the public employees and their bargaining representatives; the extent of organization among the public employees; and the desire of the public employees. The [department] commission shall determine the bargaining representative by (1) examination of organization membership rolls, (2) comparison of signatures on organization bargaining authorization cards, or (3) by conducting an election specifically therefor.

Sec. 11. Section 7, chapter 108, Laws of 1967 ex. sess. and RCW 41.56.070 are each amended to read as follows:

In the event the [department] commission elects to conduct an election to ascertain the exclusive bargaining representative, and upon the request of a prospective bargaining representative showing written proof of at least thirty percent representation of the public employees within the unit, the [department] commission shall hold an election by secret ballot to determine the issue. The ballot shall contain the name of such bargaining representative and of any other bargaining representative showing written proof of at least ten percent representation of the public employees within the unit, together with a choice for any public employee to designate that he does not desire to be represented by any bargaining agent. Where more than one organization is on the ballot and neither of the three or more choices receives a majority vote of the public employees within the bargaining unit, a run-off election shall be held. The run-off ballot shall contain the two choices which received the largest and second-largest number of votes. No question concerning representation may be raised within one year of a certification or attempted certification. Where there is a valid collective bargaining agreement in effect, no question of representation may be raised, except during the period not more than

ninety nor less than sixty days prior to the expiration date of the agreement. Any agreement which contains a provision for automatic renewal or extension of the agreement shall not be a valid agreement [; nor shall any agreement be valid if it provides for a term of existence for more than three years]. *A valid collective bargaining agreement may provide for a maximum term of existence not to exceed three years and any such agreement which exceeds the maximum term shall expire three years after it becomes effective.*

Sec. 12. Section 8, chapter 108, Laws of 1967 ex. sess. and RCW 41.56.080 are each amended to read as follows:

The bargaining representative which has been determined to represent a majority of the employees in a bargaining unit shall be certified by the [department] *commission* as the exclusive bargaining representative of, and shall be required to represent, all the public employees within the unit without regard to membership in said bargaining representative: *PROVIDED*, That any public employee at any time may present his grievance to the public employer and have such grievance adjusted without the intervention of the exclusive bargaining representative, if the adjustment is not inconsistent with the terms of a collective bargaining agreement then in effect, and if the exclusive bargaining representative has been given reasonable opportunity to be present at any initial meeting called for the resolution of such grievance.

Sec. 13. Section 9, chapter 108, Laws of 1967 ex. sess. and RCW 41.56.090 are each amended to read as follows:

The [department] *commission* shall promulgate, revise or rescind such rules and regulations as it may deem necessary or appropriate to administer the provisions of this chapter in conformity with the intent and purpose of this chapter and consistent with the best standards of labor-management relations: *PROVIDED*, That the rules, precedents, and practices of the national labor relations board, if consistent with this chapter, shall be considered by the commission in its interpretation of this chapter, and prior to adoption of any aforesaid commission rules and regulations.

Sec. 14. Section 10, chapter 108, Laws of 1967 ex. sess. and RCW 41.56.100 are each amended to read as follows:

A public employer shall have the authority to engage in collective bargaining with the exclusive bargaining representative and no public employer shall refuse to engage in collective bargaining with the exclusive bargaining representative [: *PROVIDED*, That nothing contained herein shall require any public employer to bargain collectively with any bargaining representative concerning any matter which by ordinance, resolution or charter of said public employer has been delegated to any civil service commission or personnel board similar in scope, structure and authority to the board created by chapter 41.06 RCW. Upon the failure of the public employer and the exclusive bargaining representative to conclude a collective bargaining agreement, any matter in dispute may be submitted by either party to the state mediation service of the department of labor and industries].

NEW SECTION. Sec. 15. There is added to chapter 41.56 RCW a new section to read as follows:

(1) Either a public employer or an exclusive bargaining representative may declare that an impasse has been reached between them in collective bargaining and may request the commission to appoint a mediator for the purpose of assisting them in reconciling their differences and resolving the controversy on terms which are mutually acceptable. If the commission determines that its assistance is needed, not later than five days after the receipt of a request therefor, it shall appoint a mediator in accordance with rules and regulations for such appointment prescribed by the commission. The mediator shall meet with the parties or their representatives, or both, forthwith, either jointly or separately, and shall take such other steps as he may deem appropriate in order to persuade the parties to resolve their differences and effect a mutually acceptable agreement. The mediator, without the consent of both parties, shall not make findings of fact or recommend terms of settlement. The services of the mediator, including, if any, per diem expenses, shall be provided by the commission without cost to the parties. Nothing in this subsection (1) shall be construed to prevent the parties from mu-

tually agreeing upon their own mediation procedure, and in the event of such agreement, the commission shall not appoint its own mediator unless failure to do so would be inconsistent with the effectuation of the purposes and policy of this chapter.

(2) If the mediator is unable to effect settlement of the controversy within ten days after his or her appointment, either party, by written notification to the other, may request that their differences be submitted to fact-finding with recommendations, except that the time for mediation may be extended by mutual agreement between the parties. Within five days after receipt of the aforesaid written request for fact-finding, the parties shall select a person to serve as fact-finder and obtain a commitment from that person to serve. If they are unable to agree upon a fact-finder or to obtain such a commitment within that time, either party may request the commission to designate a fact-finder. The commission, within five days after receipt of such request, shall designate a fact-finder in accordance with rules and regulations for such designation prescribed by the commission. The fact-finder so designated shall not be the same person who was appointed mediator pursuant to subsection (1) of this section without the consent of both parties.

The fact-finder, within five days after his appointment, shall meet with the parties or their representatives, or both, either jointly or separately, and make inquiries and investigations, hold hearings, and take such other steps as he may deem appropriate. For the purpose of such hearings, investigations and inquiries, the fact-finder shall have the power to issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence. If the dispute is not settled within ten days after his appointment, the fact-finder shall make findings of fact and recommend terms of settlement within thirty days after his appointment, which recommendations shall be advisory only.

(3) Such recommendations, together with the findings of fact, shall be submitted in writing to the parties and the commission privately before they are made public. Either the commission, the fact-finder, the public employer, or the exclusive bargaining representative may make such findings and recommendations public if the dispute is not settled within five days after their receipt from the fact-finder.

(4) The costs for the services of the fact-finder, including, if any, per diem expenses and actual and necessary travel and subsistence expenses, and any other incurred costs, shall be borne by the commission without cost to the parties.

(5) Nothing in this section shall be construed to prohibit a public employer and an exclusive bargaining representative from agreeing to substitute, at their own expense, their own procedure for resolving impasses in collective bargaining for that provided in this section or from agreeing to utilize for the purposes of this section any other governmental or other agency or person in lieu of the commission.

(6) Any fact-finder designated by a public employer and an exclusive representative or the commission for the purposes of this section shall be deemed as agent of the state.

Sec. 16. Section 2, chapter 59, Laws of 1973 and RCW 41.56.122 are each amended to read as follows:

A collective bargaining agreement may:

(1) Contain union security provisions: PROVIDED, That nothing in this section shall authorize a closed shop provision: PROVIDED FURTHER, That agreements involving union security 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 shall pay an amount of money equivalent to regular union dues and initiation fee 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 and initiation fee. 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 of labor and industries] *commission* shall designate the charitable organization. When 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 charter, ordinance, rule, or regulation

adopted by the public employer or its agents, including but not limited to, 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 or the interpretation of the matters contained in a collective bargaining agreement.

Sec. 17. Section 3, chapter 59, Laws of 1973 and RCW 41.56.125 are each amended to read as follows:

In addition to any other method for selecting arbitrators, the parties may request the [department of labor and industries] *public employment relations commission* to, and the [department] *commission* shall, appoint a qualified person who may be an employee of the [department] *commission* 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] *commission* shall not collect any fees or charges from such public employer or such bargaining representative for services performed by the [department] *commission* under the provisions of this chapter: PROVIDED FURTHER, That the provisions of chapter 49.08 RCW shall have no application to this chapter.

Sec. 18. Section 3, chapter 215, Laws of 1969 ex. sess. and RCW 41.56.160 are each amended to read as follows:

The [department] *commission* is empowered and directed to prevent any unfair labor practice and to issue appropriate remedial orders. This power shall not be affected or impaired by any means of adjustment, mediation or conciliation in labor disputes that have been or may hereafter be established by law.

Sec. 19. Section 4, chapter 215, Laws of 1969 ex. sess. and RCW 41.56.170 are each amended to read as follows:

Whenever a charge has been made concerning any unfair labor practice, the [department] *commission* shall have power to issue and cause to be served a complaint stating the charges in that respect, and containing a notice of hearing before the [department] *commission* at a place therein fixed to be held not less than seven days after the serving of said complaint. Any such complaint may be amended by the [department] *commission* any time prior to the issuance of an order based thereon. The person so complained of shall have the right to file an answer to the original or amended complaint within five days after the service of such original or amended complaint and to appear in person or otherwise to give testimony at the place and time set in the complaint. In the discretion of the [department] *commission*, any other person may be allowed to intervene in the said proceedings and to present testimony. In any such proceeding the [department] *commission* shall not be bound by technical rules of evidence prevailing in the courts of law or equity.

Sec. 20. Section 5, chapter 215, Laws of 1969 ex. sess. and RCW 41.56.180 are each amended to read as follows:

For the purpose of all hearings and investigations, which, in the opinion of the [department] *commission*, are necessary and proper for the exercise of the powers vested in it by RCW 41.56.140 through 41.56.190, *as now or hereafter amended*, the [department] *commission* shall be all reasonable times have access to, for the purposes of examination, and the right to examine, copy or photograph any evidence, including payrolls or lists of employees, of any person being investigated or proceeded against that relates to any matter under investigation or in question. The [department] *commission* shall have power to issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under investigation or in question before the [department] *commission*. The [department] *commission*, or any agent, or agency designated by the [department] *commission* for such purposes, may administer oaths and affirmations, examine witnesses, and receive evidence.

Sec. 21. Section 6, chapter 215, Laws of 1969 ex. sess. and RCW 41.56.190 are each amended to read as follows:

The [department] *commission*, or any party to the [department] *commission* proceedings, thirty days after the [department] *commission* has entered its findings of fact,

shall have power to petition the superior court of the state within the county wherein the unfair labor practice in question occurred or wherein any person charged with the unfair labor practice resides or transacts business, or if such court be on vacation or in recess, then to the superior court of any county adjoining the county wherein the unfair labor practice in question occurred or wherein any person charged with the unfair labor practice resides or transacts business, for the enforcement of such order and for appropriate temporary relief or restraining order, and shall certify and file in the court a transcript of the entire record in the proceeding, including the pleadings and testimony upon which such order was made and the findings and order of the [department] *commission*. Upon such filing, the court shall cause notice thereof to be served upon such person, and thereupon shall have jurisdiction of the proceeding and of the question determined therein, and shall have power to grant such temporary relief or restraining order as it deems just and proper, and to make and enter upon the pleadings, testimony, and proceedings set forth in such transcript a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the [department] *commission*.

Sec. 22. Section 3, chapter 131, Laws of 1973 and RCW 41.56.440 are each amended to read as follows:

Negotiations between representatives of the public employer and uniformed personnel shall be commenced at least five months prior to the submission of the budget to the legislative body of the public employer. If after a forty-five day period of negotiation between representatives of the public employer and uniformed personnel, an agreement has not been concluded, then an impasse is declared to exist, and either party may voluntarily submit the matters in dispute to mediation, as provided for in RCW 41.56.100. If the parties have still not reached agreement after a ten day period of mediation, a fact-finding panel shall be created in the following manner: Each party shall appoint one member within two days; the two appointed members shall then choose a third member within two days who shall act as chairman of the panel. If the two members so appointed cannot agree within two days to the appointment of a third member, either party may request, and the [department] *commission* shall name a third member who shall be chairman of the fact-finding panel and who may be an employee of the [department] *commission*. The panel shall begin hearings on the matters in dispute within five days of the formation of the fact-finding panel and shall conclude such hearings and issue findings of fact and recommendations to the parties within thirty days of the date upon which hearings were commenced.

Reasonable notice of such hearings shall be given to the parties who shall appear and be heard either in person or by counsel or other representative. Hearings shall be informal and the rules of evidence prevailing in judicial proceedings shall not be binding. Minutes of the proceedings shall be taken. Any oral or documentary evidence and other data deemed relevant by the panel may be received in evidence. The panel shall have the power to administer oaths, require the attendance of witnesses, and the production of such books, papers, contracts, agreements, and documents as may be deemed by the panel material to a just determination of the issues in dispute and to issue subpoenas. Costs of each party's appointee shall be paid by the party, and the costs of proceedings otherwise shall be borne by the [department] *commission*.

In making its findings, the fact-finding panel shall be mindful of the legislative purpose enumerated in RCW 41.56.430 and as additional standards of guidelines to aid it in developing its recommendations, it shall take into consideration those factors set forth in RCW 41.56.460.

Sec. 23. Section 4, chapter 131, Laws of 1973 and RCW 41.56.450 are each amended to read as follows:

If an agreement has not been reached within forty-five days after mediation and fact-finding has commenced, an arbitration panel shall be created in the following manner: Each party shall submit a list of three persons to the [director, who] *commission*, which shall then name one from each list as members to the panel, all within two days. The two appointed members shall utilize one of the two following options in the appointment of the third member, who shall act as chairman of the panel: (1) By mutual consent, the two appointed members may jointly request the [department] *commission*,

and the [department] *commission* shall appoint a third member within two days of such request. Costs of each party's appointee shall be borne by each party respectively; other costs of the arbitration proceedings shall be borne by the [department] *commission*; or (2) The two appointed members shall choose a third member within two days. The costs of each party's appointee shall be borne by each party respectively, and the costs of the proceedings otherwise shall be shared equally between the parties.

If the two members so appointed under alternative (2) cannot agree within two days or the appointment of a third member, either party may apply to the superior court of the county where the labor disputes exist and request that the third member of the panel be appointed as provided by RCW 7.04.050. The panel thus composed shall be deemed an agency of the *executive* director and a state agency for the purposes of this 1973 amendatory act. The panel shall hold hearings on the matters in dispute within five days after the formation of the arbitration panel and take oral or written testimony.

Reasonable notice of such hearings shall be given to the parties who shall appear and be heard either in person or by counsel or other representative. Hearings shall be informal and the rules of evidence prevailing in judicial proceedings shall not be binding. A recording of the proceedings shall be taken. Any oral or documentary evidence and other data deemed relevant by the panel may be received in evidence. The panel shall have the power to administer oaths, require the attendance of witnesses, and the production of such books, papers, contracts, agreements and documents as may be deemed by the panel material to a just determination of the issues in dispute and to issue subpoenas. If any person refuses to obey such subpoena or refuses to be sworn to testify, or any witness, party or attorney of a party is guilty of any contempt while in attendance at any hearing held hereunder, the panel may invoke the jurisdiction of the superior court in the county where a labor dispute exists and such court shall have jurisdiction to issue an appropriate order. Any failure to obey such order may be punished by the court as a contempt thereof.

The hearing conducted by the panel shall be concluded within twenty days of the time of commencement and, within fifteen days after conclusion of the hearings, the chairman shall make written findings of fact and a written determination of the dispute based upon the issues presented, a copy of which shall be mailed or otherwise delivered to the employees' negotiating agent or its attorney or other designated representative and to the employer or the employer's attorney or designated representative. The decision made by the panel shall be final and binding upon both parties, subject to review by the superior court upon the application of either party solely upon the question of whether the decision of the panel was arbitrary or capricious.

Sec. 24. Section 7, chapter 131, Laws of 1973 and RCW 41.56.480 are each amended to read as follows:

If the representative of either or both the uniformed personnel and the public employer refuse to submit to the procedures set forth in RCW 41.56.440 and 41.56.450, the parties, or the [department] *commission* on its own motion, may invoke the jurisdiction of the superior court for the county in which the labor dispute exists and such court shall have jurisdiction to issue an appropriate order. A failure to obey such order may be punished by the court as a contempt thereof. A decision of the arbitration panel shall be final and binding on the parties, and may be enforced at the instance of either party, the arbitration panel or the [department] *commission* in the superior court for the county where the dispute arose.

NEW SECTION. Sec. 25. There is added to chapter 41.56 RCW a new section to read as follows:

This chapter shall supersede existing statutes not expressly repealed to the extent that there is a conflict between a provision of this chapter and those other statutes. Except as otherwise expressly provided herein, nothing in this chapter shall be construed to annul, modify or preclude the renewal or continuation of any lawful agreement entered into prior to the effective date of sections 1 through 33 of this 1975 amendatory act between an employer and an employee organization covering wages, hours, and terms and conditions of employment. Where there is a conflict between any collective bargaining agreement and any resolution, rule, policy or regulation of the employer or its agents,

the terms of the collective bargaining agreement shall prevail.

Sec. 26. Section 47.64.010, chapter 13, Laws of 1961 and RCW 47.64.010 are each amended to read as follows:

Words and phrases used in this chapter shall have the meaning in this chapter ascribed to them except where, from the context thereof, they shall clearly have a contrary meaning:

(1) "Washington Toll Bridge Authority" and "authority," "toll bridge, authority" shall be used herein interchangeably and shall mean the Washington toll bridge authority as now, or as hereafter constituted by law, or such board, commission, authority, or officers as shall succeed to its duties;

(2) ["Marine employee commission" and "commission" shall be used herein interchangeably and shall mean the marine employee commission as prescribed herein] "*Commission*" means *public employment relations commission*;

(3) "Ferry" shall mean any ferry, ferry system, wharves, terminals constructed or acquired under the authority of the Washington toll bridge authority;

(4) "Employee" shall mean any person employed aboard ferries, wharves, or terminals acquired or constructed under the authority of the Washington toll bridge authority.

Sec. 27. Section 47.64.030, chapter 13, Laws of 1961 and RCW 47.64.030 are each amended to read as follows:

The authority 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. 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] *authority* to negotiate the terms and conditions of his employment and *before the commission* for 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]. *The commission* shall adjust complaints, grievances and disputes concerning labor arising out of the operation of the ferry or ferry system.

Sec. 28. Section 47.64.040, chapter 13, Laws of 1961 and RCW 47.64.040 are each amended to read as follows:

Any employee, employee's representative, or Washington toll bridge authority claiming labor disputes shall in writing notify the [marine employee] commission who shall make careful inquiry into the cause thereof and issue an order in writing advising the employee, or his representative, and the authority as to the decision of the commission.

The parties shall be entitled to offer evidence relating to disputes at all hearings conducted by the commission. All evidence, statements and testimony in any commission hearing under this chapter shall be transcribed and preserved by the commission and be available as a public record. The orders and awards of the [marine employee] commission shall be final and binding upon any employee or employees or their representatives affected thereby and upon the Washington toll bridge authority.

The commission shall by regulation prescribe its rules of procedure.

The commission shall have the authority to subpoena any employee or employees, or their representatives, and any member or representative of the Washington toll bridge authority, and any witnesses. The commission shall have power to require attendance of witnesses and the production of all pertinent records at any hearings held by the commission. The subpoenas of the commission shall be enforceable by order of any superior court in the state of Washington for the county within which such proceedings may be pending.

Sec. 29. Section 1, chapter 58, Laws of 1903 and RCW 49.08.010 are each amended to read as follows:

It shall be the duty of the director of labor and industries upon application of any employer or employee, *other than public employers or public employees*, having differences, *and the duty of the chairman of the public employment relations commission upon application of any public employers or public employees having differences*, as soon as practicable, to visit the location of such differences and to make a careful inquiry into the cause thereof and to advise the respective parties, what, if anything, ought to be done or submitted to by both to adjust said dispute and should said parties then still fail to agree to a settlement through said director *or chairman*, then said director *or chairman* shall endeavor to have said parties consent in writing to submit their differences to a board of arbitrations to be chosen from citizens of the state as follows, to wit: Said employer shall appoint one and said employees acting through a majority, one, and these two shall select a third, these three to constitute the board of arbitration and the findings of said board of arbitration to be final.

Sec. 30. Section 2, chapter 58, Laws of 1903 and RCW 49.08.020 are each amended to read as follows:

The proceedings of said board of arbitration shall be held before the director of labor and industries *for persons other than public employers and public employees and the chairman of the public employment relations commission for public employers and public employees* who shall act as moderator or chairman, without the privilege of voting, and who shall keep a record of the proceedings, issue subpoenas and administer oaths to the members of said board, and any witness said board may deem necessary to summon.

Sec. 31. Section 3, chapter 101, Laws of 1967 and RCW 53.18.030 are each amended to read as follows:

In determining which employee organization will represent them, employees shall have maximum freedom in exercising their right of self-organization.

Controversies as to the choice of employee organization within a port shall be submitted to [arbitration in accordance with RCW 49.08.010] *the public employment relations commission*. Employee organizations may agree with the port district to independently resolve jurisdictional disputes: PROVIDED, That when no other procedure is available the procedures of RCW 49.08.010 shall be followed in resolving such disputes. In such case the [director of labor and industries] *chairman of the public employment relations commission* shall, at the request of any employee organization, arbitrate any dispute between employee organizations and enter a binding award in such dispute.

NEW SECTION. Sec. 32. Section 47.64.020, chapter 13, Laws of 1961 and RCW 47.64.020 are each repealed.

NEW SECTION. Sec. 33. Sections 1 through 7 of this 1975 amendatory act shall constitute a new chapter in Title 41 RCW.

NEW SECTION. Sec. 34. Sections 34 through 50 and section 53 of this 1975 amendatory act may be cited as the educational employment relations act.

NEW SECTION. Sec. 35. It is the purpose of sections 34 through 50 and section 53 of this 1975 amendatory act to prescribe certain rights and obligations of the educational employees of the school districts and community college districts of the state of Washington, and to establish procedures governing the relationship between such employees and their employers which are designed to meet the special requirements and needs of public employment in education.

NEW SECTION. Sec. 36. As used in sections 34 through 50 and section 53 of this 1975 amendatory act:

(1) The term "employee organization" means any organization, union, association, agency, committee, council, or group of any kind in which employees participate, and which exists for the purpose, in whole or in part, of collective bargaining with employers.

(2) The term "collective bargaining" or "bargaining" means the performance of the mutual obligation of the representatives of the employer and the exclusive bargaining representative to meet at reasonable times in light of the time limitations of the budget-

making process, and to bargain in good faith in an effort to reach agreement with respect to the wages, hours, and terms and conditions of employment: PROVIDED, That prior law, practice or interpretation shall be neither restrictive, expansive, nor determinative with respect to the scope of bargaining. A written contract incorporating any agreements reached shall be executed if requested by either party. The obligation to bargain does not compel either party to agree to a proposal or to make a concession.

In the event of a dispute between an employer and an exclusive bargaining representative over the matters that are terms and conditions of employment, the commission shall decide which item(s) are mandatory subjects for bargaining and which item(s) are nonmandatory.

(3) The term "commission" means the public employment relations commission created by section 2 of this 1975 amendatory act.

(4) The terms "employee" and "educational employee" means any certificated employee of a school district, or faculty member, or professional educator or academic employee of a community college, except:

(a) The chief executive officer of the employer.

(b) The chief administrative officers of the employer, which shall mean:

(i) For school districts, the superintendent of the district, deputy superintendents, administrative assistants to the superintendent, assistant superintendents, and business manager; and

(ii) For community colleges, the president, deans, directors, and business manager. Title variation from all positions enumerated in this subsection (b) may be appealed to the commission for determination of inclusion in, or exclusion from, the term "educational employee."

(c) Confidential employees, which shall mean:

(i) Any person who participates directly on behalf of an employer in the formulation of labor relations policy, the preparation for or conduct of collective bargaining, or the administration of collective bargaining agreements, except that the role of such person is not merely routine or clerical in nature but calls for the consistent exercise of independent judgment; and

(ii) Any person who assists and acts in a confidential capacity to such person.

(d) Unless included within a bargaining unit pursuant to section 39 of this 1975 amendatory act, any supervisor, which means any employee having authority, in the interest of an employer, to hire, assign, promote, transfer, layoff, recall, suspend, discipline, or discharge other employees, or to adjust their grievances, or to recommend effectively such action, if in connection with the foregoing the exercise of such authority is not merely routine or clerical in nature but calls for the consistent exercise of independent judgment, and shall not include any persons solely by reason of their membership on a faculty tenure or other governance committee or body. The term "supervisor" shall include only those employees who perform a preponderance of the above-specified acts of authority.

(e) Unless included within a bargaining unit pursuant to section 39 of this 1975 amendatory act, principals and assistant principals in school districts.

(5) The term "employer" means any school district or community college district, including the board of directors or trustees thereof.

(6) The term "exclusive bargaining representatives" means any employee organization which has:

(a) Been selected or designated pursuant to the provisions of sections 34 through 50 and section 53 of this 1975 amendatory act as the representative of the employees in an appropriate collective bargaining unit; or

(b) Prior to January 1, 1976, been recognized under a predecessor statute as the representative of the employees in an appropriate collective bargaining or negotiations unit.

(7) The term "person" means one or more individuals, organizations, unions, associations, partnerships, corporations, boards, committees, commissions, agencies, or other entities, or their representatives.

(8) The term "nonsupervisory employee" means all educational employees other than principals, assistant principals and supervisors.

NEW SECTION. Sec. 37. (1) Employees shall have the right to self-organization, to form, join, or assist employee organizations, to bargain collectively through representatives of their own choosing, and shall also have the right to refrain from any or all of such activities except to the extent that employees may be required to pay a fee to any employee organization under an agency shop agreement authorized in this chapter.

(2) The exclusive bargaining representative shall have the right to have deducted from the salary of employees, upon receipt of an appropriate authorization form which shall not be irrevocable for a period of more than one year, an amount equal to the fees and dues required for membership. Such fees and dues shall be deducted monthly from the pay of all appropriate employees by the employer and transmitted as provided for by agreement between the employer and the exclusive bargaining representative, unless an automatic payroll deduction service is established pursuant to law, at which time such fees and dues shall be transmitted as therein provided. If an agency shop provision is agreed to and becomes effective pursuant to section 39 of this 1975 amendatory act, except as provided in that section, the agency fee equal to the fees and dues required of membership in the exclusive bargaining representatives shall be deducted from the salary of employees in the bargaining unit.

NEW SECTION. Sec. 38. (1) Any employee organization may file a request with the commission for recognition as the exclusive representative. Such request shall allege that a majority of the employees in an appropriate collective bargaining unit wish to be represented for the purpose of collective bargaining by such organization, shall describe the grouping of jobs or positions which constitute the unit claimed to be appropriate, shall be supported by credible evidence demonstrating that at least thirty percent of the employees in the appropriate unit desire the organization requesting recognition as their exclusive representative, and shall indicate the name, address, and telephone number of any other interested employee organization, if known to the requesting organization.

(2) The commission shall determine the exclusive representative by conducting an election by secret ballot, except under the following circumstances:

(a) In instances where a serious unfair labor practice has been committed which interfered with the election process and precluded the holding of a fair election, the commission shall determine the exclusive bargaining representative by an examination of organization membership rolls or a comparison of signatures on organization bargaining authorization cards.

(b) In instances where there is then in effect a lawful written collective bargaining agreement between the employer and another employee organization covering any employees included in the unit described in the request for recognition; the request for recognition shall not be entertained unless it shall be filed within the time limits prescribed in subsection (3) of this section for decertification or a new recognition election.

(c) In instances where within the previous twelve months another employee organization has been lawfully recognized or certified as the exclusive bargaining representative of any employees included in the unit described in the request for recognition, the request for recognition shall not be entertained.

(d) In instances where the commission has within the previous twelve months conducted a secret ballot election involving any employees included in the unit described in the request for recognition in which a majority of the valid ballots cast chose not to be represented by any employee organization, the request for recognition shall not be entertained.

(3) Whenever the commission conducts an election to ascertain the exclusive bargaining representative, the ballot shall contain the name of the proposed bargaining representative and of any other bargaining representative showing written proof of at least ten percent representation of the educational employees within the unit, together with a choice for any educational employee to designate that he or she does not desire to be represented by any bargaining agent. Where more than one organization is on the ballot and neither of the three or more choices receives a majority of the valid ballots cast by the educational employees within the bargaining unit, a run-off election shall be held.

The run-off ballot shall contain the two choices which receive the largest and second largest number of votes. No question concerning representation may be raised within one year of a certification or attempted certification. Where there is a valid collective bargaining agreement in effect, no question of representation may be raised except during the period not more than ninety nor less than sixty days prior to the expiration date of the agreement. In the event that a valid collective bargaining agreement, together with any renewals or extensions thereof, has been or will be in existence for three years, then the question of representation may be raised not more than ninety nor less than sixty days prior to the third anniversary date of the agreement or any renewals or extensions thereof as long as such renewals and extensions do not exceed three years; and if the exclusive bargaining representative is removed as a result of such procedure, the then existing collective bargaining agreement shall be terminable by the new exclusive bargaining representative so selected within sixty days after its certification or terminated on its expiration date, whichever is sooner, or if no exclusive bargaining representative is so selected, then the agreement shall be deemed to be terminated at its expiration date or as of such third anniversary date, whichever is sooner.

(4) Within the time limits prescribed in subsection (3) of this section, a petition may be filed signed by at least thirty percent of the employees of a collective bargaining unit; then represented by an exclusive bargaining representative, alleging that a majority of the employees in that unit do not wish to be represented by an employee organization, requesting that the exclusive bargaining representative be decertified, and indicating the name, address and telephone number of the exclusive bargaining representative and any other interested employee organization, if known. Upon the verification of the signatures on the petition, the commission shall conduct an election by secret ballot as prescribed by subsection (3) of this section.

NEW SECTION. Sec. 39. The commission, upon proper application for certification as an exclusive bargaining representative or upon petition for change of unit definition by the employer or any employee organization within the time limits specified in section 38(3) of this 1975 amendatory act, and after hearing upon reasonable notice, shall determine the unit appropriate for the purpose of collective bargaining. In determining, modifying or combining the bargaining unit, the commission shall consider the duties, skills, and working conditions of the educational employees; the history of collective bargaining; the extent of organization among the educational employees; and the desire of the educational employees; except that in school districts:

(1) A unit including nonsupervisory educational employees shall not be considered appropriate unless it includes all such nonsupervisory educational employees of the employer; and

(2) A unit that includes only supervisors may be considered appropriate if a majority of the employees in such category indicate by vote that they desire to be included in such a unit; and

(3) A unit that includes only principals and assistant principals may be considered appropriate if a majority of such employees indicate by vote that they desire to be included in such a unit; and

(4) A unit that includes both principals and assistant principals and other supervisory employees may be considered appropriate if a majority of the employees in each category indicate by vote that they desire to be included in such a unit; and

(5) A unit that includes supervisors and/or principals and assistant principals and nonsupervisory educational employees may be considered appropriate if a majority of the employees in each category indicate by vote that they desire to be included in such a unit; and

(6) A unit that includes only employees in vocational-technical institutes or occupational skill centers may be considered to constitute an appropriate bargaining unit if the history of bargaining in any such school district so justifies; and

(7) Notwithstanding the definition of collective bargaining, a unit that contains only supervisors and/or principals and assistant principals shall be limited in scope of bargaining to compensation, hours of work, and the number of days of work in the annual employment contracts.

NEW SECTION. Sec. 40. The employee organization which has been determined to represent a majority of the employees in a bargaining unit shall be certified by the commission as the exclusive bargaining representative of, and shall be required to represent all the employees within the unit without regard to membership in that bargaining representative: **PROVIDED**, That any employee at any time may present his grievance to the employer and have such grievance adjusted without the intervention of the exclusive bargaining representative, as long as such representative has been given an opportunity to be present at that adjustment and to make its views known, and as long as the adjustment is not inconsistent with the terms of a collective bargaining agreement then in effect.

NEW SECTION. Sec. 41. A collective bargaining agreement may include union security provisions including an agency shop, but not a union or closed shop. If an agency shop provision is agreed to, the employer shall enforce it by deducting from the salary payments to members of the bargaining unit the dues required of membership in the bargaining representative, or, for nonmembers thereof, a fee equivalent to such dues. All union security provisions must safeguard the right of nonassociation of employees based on bona fide religious tenets or teachings of a church or religious body of which such employee is a member. Such employee shall pay an amount of money equivalent to regular dues and fees to a nonreligious charity or to another charitable organization mutually agreed upon by the employee affected and the bargaining representative to which such employee would otherwise pay the dues and fees. The employee shall furnish written proof that such payment has been made. If the employee and the bargaining representative do not reach agreement on such matter, the commission shall designate the charitable organization.

NEW SECTION. Sec. 42. (1) The commission shall promulgate, revise, or rescind, in the manner prescribed by the administrative procedure act, chapter 34.04 RCW, such rules and regulations as it may deem necessary and appropriate to administer the provisions of sections 34 through 50 and section 53 of this 1975 amendatory act, in conformity with the intent and purpose of sections 34 through 50 and section 53 of this 1975 amendatory act, and consistent with the best standards of labor-management relations.

(2) The rules, precedents, and practices of the national labor relations board, provided they are consistent with sections 34 through 50 and section 53 of this 1975 amendatory act, shall be considered by the commission in its interpretation of this chapter, and prior to adoption of any aforesaid commission rules and regulations.

NEW SECTION. Sec. 43. (1) Either an employer or an exclusive bargaining representative may declare that an impasse has been reached between them in collective bargaining and may request the commission to appoint a mediator for the purpose of assisting them in reconciling their differences and resolving the controversy on terms which are mutually acceptable. If the commission determines that its assistance is needed, not later than five days after the receipt of a request therefor, it shall appoint a mediator in accordance with rules and regulations for such appointment prescribed by the commission. The mediator shall meet with the parties or their representatives, or both, forthwith, either jointly or separately, and shall take such other steps as he may deem appropriate in order to persuade the parties to resolve their differences and effect a mutually acceptable agreement. The mediator, without the consent of both parties, shall not make findings of fact or recommend terms of settlement. The services of the mediator, including, if any, per diem expenses, shall be provided by the commission without cost to the parties. Nothing in this subsection (1) shall be construed to prevent the parties from mutually agreeing upon their own mediation procedure, and in the event of such agreement, the commission shall not appoint its own mediator unless failure to do so would be inconsistent with the effectuation of the purposes and policy of this chapter.

(2) If the mediator is unable to effect settlement of the controversy within ten days after his or her appointment, either party, by written notification to the other, may request that their differences be submitted to fact-finding with recommendations, except that the time for mediation may be extended by mutual agreement between the parties. Within five days after receipt of the aforesaid written request for fact-finding, the parties

shall select a person to serve as fact-finder and obtain a commitment from that person to serve. If they are unable to agree upon a fact-finder or to obtain such a commitment within that time, either party may request the commission to designate a fact-finder. The commission, within five days after receipt of such request, shall designate a fact-finder in accordance with rules and regulations for such designation prescribed by the commission. The fact-finder so designated shall not be the same person who was appointed mediator pursuant to subsection (1) of this section without the consent of both parties.

The fact-finder, within five days after his appointment, shall meet with the parties or their representatives, or both, either jointly or separately, and make inquiries and investigations, hold hearings, and take such other steps as he may deem appropriate. For the purpose of such hearings, investigations and inquiries, the fact-finder shall have the power to issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence. If the dispute is not settled within ten days after his appointment, the fact-finder shall make findings of fact and recommend terms of settlement within thirty days after his appointment, which recommendations shall be advisory only.

(3) Such recommendations, together with the findings of fact, shall be submitted in writing to the parties and the commission privately before they are made public. Either the commission, the fact-finder, the employer, or the exclusive bargaining representative may make such findings and recommendations public if the dispute is not settled within five days after their receipt from the fact-finder.

(4) The costs for the services of the fact-finder, including, if any, per diem expenses and actual and necessary travel and subsistence expenses, and any other incurred costs, shall be borne by the commission without cost to the parties.

(5) Nothing in this section shall be construed to prohibit an employer and an exclusive bargaining representative from agreeing to substitute, at their own expense, their own procedure for resolving impasses in collective bargaining for that provided in this section or from agreeing to utilize for the purposes of this section any other governmental or other agency or person in lieu of the commission.

(6) Any fact-finder designated by an employer and an exclusive representative or the commission for the purposes of this section shall be deemed an agent of the state.

NEW SECTION. Sec. 44. An employer and an exclusive bargaining representative who enter into a collective bargaining agreement may include in such agreement procedures for binding arbitration of such disputes as may arise involving the interpretation or application of such agreement.

NEW SECTION. Sec. 45. (1) It shall be an unfair labor practice for an employer:

(a) To interfere with, restrain, or coerce employees in the exercise of the rights guaranteed in section 37 of this 1975 amendatory act.

(b) To dominate or interfere with the formation or administration of any employee organization or contribute financial or other support to it: PROVIDED, That subject to rules and regulations made by the commission pursuant to section 42 of this 1975 amendatory act, an employer shall not be prohibited from permitting employees to confer with it or its representatives or agents during working hours without loss of time or pay;

(c) To encourage or discourage membership in any employee organization by discrimination in regard to hire, tenure of employment or any term or condition of employment, but nothing contained in this subsection shall prevent an employer from requiring, as a condition of continued employment, payment of periodic dues and fees uniformly required to an exclusive bargaining representative pursuant to section 41 of this 1975 amendatory act;

(d) To discharge or otherwise discriminate against an employee because he has filed charges or given testimony under sections 34 through 50 and section 53 of this 1975 amendatory act;

(e) To refuse to bargain collectively with the representatives of its employees.

(2) It shall be an unfair labor practice for an employee organization:

(a) To restrain or coerce (i) employees in the exercise of the rights guaranteed in section 37 of this 1975 amendatory act: PROVIDED, That this paragraph shall not impair the right of an employee organization to prescribe its own rules with respect to the

acquisition or retention of membership therein; or (ii) an employer in the selection of his representatives for the purposes of collective bargaining or the adjustment of grievances;

(b) To cause or attempt to cause an employer to discriminate against an employee in violation of subsection (1)(c) of this section;

(c) To refuse to bargain collectively with an employer, provided it is the representative of its employees subject to section 40 of this 1975 amendatory act.

(3) The expressing of any views, argument, or opinion, or the dissemination thereof to the public, whether in written, printed, graphic, or visual form, shall not constitute or be evidence of an unfair labor practice under any of the provisions of sections 34 through 50 and section 53 of this 1975 amendatory act, if such expression contains no threat of reprisal or force or promise of benefit.

NEW SECTION. Sec. 46. (1) The commission is empowered to prevent any person from engaging in any unfair labor practice as defined in section 45 of this 1975 amendatory act. This power shall not be affected by any other means of adjustment or prevention that has been or may be established by agreement, law, equity or otherwise.

(2) If the commission determines that any person has engaged in or is engaging in any such unfair labor practices as defined in section 45 of this 1975 amendatory act, then the commission shall issue and cause to be served upon such person an order requiring such person to cease and desist from such unfair labor practice, and to take such affirmative action as will effectuate the purposes and policy of sections 34 through 50 and section 53 of this 1975 amendatory act, such as the payment of damages and/or the reinstatement of employees.

(3) The commission may petition the superior court for the county in which the main office of the employer is located or wherein the person who has engaged or is engaging in such unfair labor practice resides or transacts business, for the enforcement of its order and for appropriate temporary relief.

NEW SECTION. Sec. 47. Actions taken by or on behalf of the commission shall be pursuant to chapter 34.04 RCW, or rules and regulations adopted in accordance therewith, and the right of judicial review provided by chapter 34.04 RCW shall be applicable to all such actions and rules and regulations.

NEW SECTION. Sec. 48. (1) Whenever a collective bargaining agreement between an employer and an exclusive bargaining representative is concluded after the termination date of the previous collective bargaining agreement between the employer and an employee organization representing the same employees, the effective date of such collective bargaining agreement may be the day after the termination date of the previous collective bargaining agreement and all benefits included in the new collective bargaining agreement, including wage or salary increases, may accrue beginning with such effective date as established by this subsection, and may also accrue beginning with the effective date of any individual employee contracts affected thereby.

(2) Any collective bargaining agreement may provide for the increase of any wage, salaries and other benefits during the term of such agreement or the term of any individual employee contracts concerned, in the event that the employer receives by increased appropriation or from other sources, additional moneys for such purposes.

(3) Collective bargaining agreements which provide for increases of wages, salaries or other benefits to be funded in whole or in part from moneys other than those appropriated by the state legislature for specific purposes shall be effective and enforceable to the extent such other moneys are used, notwithstanding any disbursement or budgetary powers exercised or guidelines issued by any state agency.

NEW SECTION. Sec. 49. Sections 34 through 50 and section 53 of this 1975 amendatory act shall supersede existing statutes not expressly repealed to the extent that there is a conflict between a provision of sections 34 through 50 and section 53 of this 1975 amendatory act and those other statutes. Except as otherwise expressly provided herein, nothing in sections 34 through 50 and section 53 of this 1975 amendatory act shall be construed to annul, modify or preclude the renewal or continuation of any lawful agreement entered into prior to the effective date of sections 34 through 50 and section 53 of this 1975 amendatory act between an employer and an employee organi-

zation covering wages, hours, and terms and conditions of employment. Where there is a conflict between any collective bargaining agreement and any resolution, rule, policy or regulation of the employer or its agents, the terms of the collective bargaining agreement shall prevail.

NEW SECTION. Sec. 50. Except as otherwise expressly provided herein, nothing contained in sections 34 through 50 and section 53 of this 1975 amendatory act shall be construed to deny or otherwise abridge any rights, privileges or benefits granted by law to employees.

Sec. 51. Section 1, chapter 105, Laws of 1973 1st ex. sess. and RCW 28A.01.130 are each amended to read as follows:

The term "certificated employee" as used in RCW 28A.58.450 through 28A.58.515, 28A.58.445, 28A.67.065, 28A.67.070, [and 28A.67.074] and in sections 34 through 50 and section 53 of this 1975 amendatory act, each as now or hereafter amended, shall include those persons who hold certificates as authorized by rule or regulation of the state board of education or the superintendent of public instruction.

Sec. 52. Section 22, chapter 34, Laws of 1969 ex. sess. and RCW 28A.67.065 are each amended to read as follows:

Every board of directors, in accordance with procedure provided in [RCW 28A.72.030] sections 34 through 50 and section 53 of this 1975 amendatory act, shall establish an evaluative criteria and procedures for all certificated employees. Such procedure shall require not less than annual evaluation of all employees. New employees shall be evaluated within the first ninety calendar days of their employment. Every employee whose work is judged unsatisfactory shall be notified in writing of stated areas of deficiencies along with recommendations for improvement by February 1st of each year. A probationary period shall be established from February 1st to April 15th for the employee to demonstrate improvement.

NEW SECTION. Sec. 53. Notwithstanding the definition of "employee" in section 36 of this 1975 amendatory act, the commission may exclude from the coverage of sections 34 through 50 and section 53 of this 1975 amendatory act any specialized job category of an employer school district where a majority of the persons employed in that job category consists of noncertificated employees. At such time as a majority of such employees are certificated, the job category may be considered an appropriate unit under sections 34 through 50 and section 53 of this 1975 amendatory act.

NEW SECTION. Sec. 54. If any provision of this 1975 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 55. Except for sections 42 and 47 of this 1975 amendatory act which shall take effect ninety days following enactment hereof, sections 34 through 50 and section 53 of this 1975 amendatory act shall take effect on January 1, 1976. Where the term "effective date of sections 34 through 50 and section 53 of this 1975 amendatory act" is used elsewhere in sections 34 through 50 and section 53 of this 1975 amendatory act it shall mean January 1, 1976.

NEW SECTION. Sec. 56. Sections 34 through 50 and section 53 of this 1975 amendatory act shall constitute a new chapter in Title 41 RCW.

NEW SECTION. Sec. 57. The following acts or parts of acts are each hereby repealed:

(1) Section 28A.72.010, chapter 223, Laws of 1969 ex. sess. and RCW 28A.72.010;

(2) Section 28A.72.020, chapter 223, Laws of 1969 ex. sess. and RCW 28A.72.020;

(3) Section 28A.72.030, chapter 223, Laws of 1969 ex. sess. and RCW 28A.72.030;

(4) Section 28A.72.050, chapter 223, Laws of 1969 ex. sess. and RCW 28A.72.050;

(5) 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;

(6) Section 28A.72.070, chapter 223, Laws of 1969 ex. sess., section 4, chapter 52, Laws of 1969 ex. sess. and RCW 28A.72.070;

(7) Section 28A.72.080, chapter 223, Laws of 1969 ex. sess. and RCW 28A.72.080;

(8) Section 28A.72.090, chapter 223, Laws of 1969 ex. sess. and RCW 28A.72.090;

(9) Section 1, chapter 115, Laws of 1973 1st ex. sess. and RCW 28A.72.100;

(10) Section 1, chapter 196, Laws of 1971 ex. sess. and RCW 28B.52.010;

(11) Section 2, chapter 196, Laws of 1971 ex. sess., section 1, chapter 205, Laws of 1973 1st ex. sess. and RCW 28B.52.020;

(12) Section 3, chapter 196, Laws of 1971 ex. sess., section 2, chapter 205, Laws of 1973 1st ex. sess. and RCW 28B.52.030;

(13) Section 4, chapter 205, Laws of 1973 1st ex. sess. and RCW 28B.52.035;

(14) Section 4, chapter 196, Laws of 1971 ex. sess. and RCW 28B.52.050;

(15) Section 5, chapter 196, Laws of 1971 ex. sess., section 3, chapter 205, Laws of 1973 1st ex. sess. and RCW 28B.52.060;

(16) Section 6, chapter 196, Laws of 1971 ex. sess. and RCW 28B.52.070;

(17) Section 7, chapter 196, Laws of 1971 ex. sess., section 5, chapter 205, Laws of 1973 1st ex. sess. and RCW 28B.52.080;

(18) Section 8, chapter 196, Laws of 1971 ex. sess. and RCW 28B.52.090;

(19) Section 9, chapter 196, Laws of 1971 ex. sess. and RCW 28B.52.100; and

(20) Section 6, chapter 205, Laws of 1973 1st ex. sess. and RCW 28B.52.200."

In line 1 of the title after "relations;" and before "amending" strike all of the remainder of the title and insert "amending section 3, chapter 108, Laws of 1967 ex. sess. as amended by section 2, chapter 131, Laws of 1973 and RCW 41.56.030; amending section 5, chapter 108, Laws of 1967 ex. sess. and RCW 41.56.050; amending section 6, chapter 108, Laws of 1967 ex. sess. and RCW 41.56.060; amending section 7, chapter 108, Laws of 1967 ex. sess. and RCW 41.56.070; amending section 8, chapter 108, Laws of 1967 ex. sess. and RCW 41.56.080; amending section 9, chapter 108, Laws of 1967 ex. sess. and RCW 41.56.090; amending section 10, chapter 108, Laws of 1967 ex. sess. and RCW 41.56.100; amending section 2, chapter 59, Laws of 1973 and RCW 41.56.122; amending section 3, chapter 59, Laws of 1973 and RCW 41.56.125; amending section 3, chapter 215, Laws of 1969 ex. sess. and RCW 41.56.160; amending section 4, chapter 215, Laws of 1969 ex. sess. and RCW 41.56.170; amending section 5, chapter 215, Laws of 1969 ex. sess. and RCW 41.56.180; amending section 6, chapter 215, Laws of 1969 ex. sess. and RCW 41.56.190; amending section 3, chapter 131, Laws of 1973 and RCW 41.56.440; amending section 4, chapter 131, Laws of 1973 and RCW 41.56.450; amending section 7, chapter 131, Laws of 1973 and RCW 41.56.480; amending section 47.64.010, chapter 13, Laws of 1961 and RCW 47.64.010; amending section 47.64.030; chapter 13, Laws of 1961 amending section 47.64.030; amending section 47.64.040, chapter 13, Laws of 1961 and RCW 47.64.040; amending section 1, chapter 58, Laws of 1903 and RCW 49.08.010; amending section 2, chapter 58, Laws of 1903 and RCW 49.08.020; amending section 3, chapter 101, Laws of 1967 and RCW 53.18.030; adding new sections to chapter 41.56 RCW; adding a new chapter to Title 41 RCW; repealing section 47.64.020, chapter 13, Laws of 1961 and RCW 47.64.020; amending section 1, chapter 105, Laws of 1973 1st ex. sess. and RCW 28A.01.130; amending section 22, chapter 34, Laws of 1969 ex. sess. and RCW 28A.67.065; creating a new chapter in Title 41 RCW; repealing section 28A.72.010, chapter 223, Laws of 1969 ex. sess. and RCW 28A.72.010; repealing section 28A.72.020, chapter 223, Laws of 1969 ex. sess. and RCW 28A.72.020; repealing section 28A.72.030, chapter 223, Laws of 1969 ex. sess. and RCW 28A.72.030; repealing section 28A.72.050, chapter 223, Laws of 1969 ex. sess. and RCW 28A.72.050; repealing section 28A.72.060, chapter 223, Laws of 1969 ex. sess., section 3, chapter 52, Laws of 1969 ex. sess. and RCW 28A.72.060; repealing section 28A.72.070, chapter 223, Laws of 1969 ex. sess., section 4, chapter 52, Laws of 1969 ex. sess. and RCW 28A.72.070; repealing section 28A.72.080, chapter 223, Laws of 1969 ex. sess. and RCW 28A.72.080; repealing section 28A.72.090, chapter 223, Laws of 1969 ex. sess. and RCW 28A.72.090; repealing

section 1, chapter 115, Laws of 1973 1st ex. sess. and RCW 28A.72.100; repealing section 1, chapter 196, Laws of 1971 ex. sess. and RCW 28B.52.010; repealing section 2, chapter 196, Laws of 1971 ex. sess., section 1, chapter 205, Laws of 1973 1st ex. sess. and RCW 28B.52.020; repealing section 3, chapter 196, Laws of 1971 ex. sess., section 2, chapter 205, Laws of 1973 1st ex. sess. and RCW 28B.52.030; repealing section 4, chapter 205, Laws of 1973 1st ex. sess. and RCW 28B.52.035; repealing section 4, chapter 196, Laws of 1971 ex. sess. and RCW 28B.52.050; repealing section 5, chapter 196, Laws of 1971 ex. sess., section 3, chapter 205, Laws of 1973 1st ex. sess. and RCW 28B.52.060; repealing section 6, chapter 196, Laws of 1971 ex. sess. and RCW 28B.52.070; repealing section 7, chapter 196, Laws of 1971 ex. sess., section 5, chapter 205, Laws of 1973 1st ex. sess. and RCW 28B.52.080; repealing section 8, chapter 196, Laws of 1971 ex. sess. and RCW 28B.52.090; repealing section 9, chapter 196, Laws of 1971 ex. sess. and RCW 28B.52.100; repealing section 6, chapter 205, Laws of 1973 1st ex. sess. and RCW 28B.52.200; prescribing penalties; and establishing effective dates.", and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

MOTION

On motion of Senator Mardesich, the Senate refused to concur in the House amendments to Engrossed Substitute Senate Bill No. 2408 and asks the House for a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 2408, and the House amendments thereto: Senators Grant, Morrison and Marsh.

MOTION

On motion of Senator Mardesich, the Conference Committee appointments were confirmed.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of the House Message on Substitute House Bill No. 762.

MESSAGE FROM THE HOUSE

May 28, 1975.

Mr. President: The House refuses to concur in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 762 and asks the Senate for a conference thereon, and the Speaker has appointed as members of the Conference Committee thereon: Representatives North, Martinis and Lee, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Knoblauch, the Senate receded from its amendment to Substitute House Bill No. 762.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 762, without the Senate amendment, and the bill passed the Senate by the following vote: Yeas, 39; nays, 4; absent or not voting, 4; excused, 2.

Voting yea: Senators Beck, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, Newschwander, North, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson, Woody—39.

Voting nay: Senators Bottiger, Odegard, Talley, von Reichbauer—4.

Absent or not voting: Senators Bailey, Benitz, Fleming, McDermott—4.

Excused: Senators Keefe, Murray—2.

SUBSTITUTE HOUSE BILL NO. 762 having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber, the Consul General of the Republic of China and appointed Senators Guess, Goltz, Cunningham and Bailey as a special committee to escort the honored guest and his wife to the Senate Rostrum.

The President turned the gavel over to Senator Guess.

Senator Guess introduced the Honorable C. Y. Yang.

With permission of the Senate, business was suspended and the honored guest addressed the Senate.

Senator Guess returned the gavel to President Cherberg.

The committee of honor escorted the honored guest from the Senate Chamber and the committee was discharged.

MOTION

On motion of Senator Mardesich, the Senate resumed consideration of the House Message on Engrossed Substitute Senate Bill No. 2092.

On Tuesday, May 27, 1975, Senator Francis moved the Senate concur in the House amendments to Engrossed Substitute Senate Bill No. 2092.

Debate ensued.

The motion by Senator Francis carried.

The Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 2092.

POINT OF INQUIRY

Senator Cunningham: "Would Senator Francis yield to a question? Senator Francis, this bill, this amendment, is this the one that strikes the language concerning adultery?"

Senator Francis: "It strikes the part of the code that makes adultery criminal."

Senator Cunningham: "So that that will no longer be considered a crime in the state of Washington?"

Senator Francis: "That is correct."

Senator Cunningham: "Does it also change any of the laws concerning sodomy?"

Senator Francis: "Yes, it does, Senator. It changes our basic statute by repealing it."

Senator Cunningham: "So that sodomy will no longer be a crime?"

Senator Francis: "That is correct, Senator."

Senator Cunningham: "Thank you."

Further debate ensued.

POINT OF INQUIRY

Senator Bottiger: "Would Senator Francis yield to another question? Senator Francis, in your exchange with Senator Cunningham you could have left the impression that people can go around committing sodomy on other people without any penalty. I am wondering if you can respond to the question of whether an act of sodomy without the consent of all parties involved would be punishable under this statute under another section; if so, what and what kinds of crime?"

Senator Francis: "Senator Bottiger, yes, I think I answered Senator Cunningham correctly that sodomy in and of itself would no longer be a crime. In other words, the type of sexual activity would not constitute the crime, but that does not mean that sodomy for pay would not constitute, for example, prostitution which would still be a crime; sodomy involving people under age would still be a crime; that unconsented in

any respect would either be rape or assault in some way and so forth, so all of the other basic protections of individuals against individuals are still there. It is just that once you get down to the question of what the nature of the sexual activity is, we are no longer saying that only certain kinds of sexual activity are lawful and others are criminal conduct."

Further debate ensued.

President Pro Tempore Henry assumed the chair.

POINT OF INQUIRY

Senator North: "Will Senator Francis yield? A question for clarification here. In dealing in this revision with prostitution for two individuals over the age of eighteen, now am I correct that the seller is a criminal and the purchaser is not, so that you have two people engaged in a mutual act here but one is a criminal and one is innocent? Is that correct?"

Senator Francis: "That is not correct, Senator North, and never has been. It is the law now that both are criminals, both under the principals law and under the parties to a crime law and that would remain the same. What we have not done or what the House did not do is add a new section declaring it a separate crime to patronize a prostitute and that, I understand, developed some objection in your caucus but there is no question that both parties can be prosecuted right now under the present law and will be able to continue to be prosecuted under the code that is before us."

Senator North: "Thank you."

President Pro Tempore Henry declared the question before the Senate to be the motion by Senator Francis that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 2092.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2092, as amended by the House, and the bill failed to pass the Senate by the following vote: Yeas, 20; nays, 26; absent or not voting, 1; excused, 2.

Voting yea: Senators Bailey, Bluechel, Bottiger, Buffington, Clarke, Donohue, Goltz, Gould, Henry, Jolly, Jones, Lewis (Harry), McDermott, Morrison, North, Ridder, Sandison, Scott, Van Hollebeke, Woody—20.

Voting nay: Senators Beck, Benitz, Cunningham, Day, Fleming, Francis, Guess, Herr, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Newschwander, Odegard, Peterson, Pullen, Rasmussen, Sellar, Stortini, Talley, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—26.

Absent or not voting: Senator Grant—1.

Excused: Senators Keefe, Murray—2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2092, as amended by the House, having failed to receive the constitutional majority, was declared lost.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Francis moved that the Senate immediately reconsider the vote by which Engrossed Substitute Senate Bill No. 2092, as amended by the House, failed to pass the Senate.

The motion for reconsideration carried.

MOTION

On motion of Senator Francis, Engrossed Substitute Senate Bill No. 2092, as amended by the House, was placed at the end of the concurrence calendar, on reconsideration, for today.

MESSAGE FROM THE HOUSE

May 23, 1975.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2381 with the following amendments:

On page 1, section 1, line 11 after "day of" strike "April" and insert "[April] *January*".

In line 1 of the title after "elections;" and before "amending" strike "and creating a new section;"

In line 6 of the title after "29.10.120" and before "." insert "; amending section 29.07.010, chapter 9, Laws of 1965 as amended by section 4, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.010; amending section 29.07.095, chapter 9, Laws of 1965 as last amended by section 6, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.095; amending section 29.07.105, chapter 9, Laws of 1965 as amended by section 14, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.105; amending section 29.10.040, chapter 9, Laws of 1965 as amended by section 26, chapter 202, Laws of 1971 ex. sess. and RCW 29.10.040; amending section 29.85.200, chapter 9, Laws of 1965 and RCW 29.85.200; creating new sections; adding new sections to Title 29 RCW as a new chapter thereof; adding a new section to chapter 29.07 RCW; repealing section 29.62.150, chapter 9, Laws of 1965, section 44, chapter 202, Laws of 1971 ex. sess. and RCW 29.62.150; making an effective date; and providing penalties".

On page 2, line 1 after "made" insert "*or transferred*".

On page 2, section 2, line 7 after "On or before" strike "August" and insert "[August] *April*".

On page 2, section 2, line 19 after "day of" strike "April" and insert "[April] *January*".

On page 2, after line 27, strike the remainder of the bill and insert the following:

NEW SECTION. Sec. 3. In all counties with a population in excess of four hundred thousand persons according to the most recent determination by the office of program planning and fiscal management pursuant to RCW 43.62.030 and in any other county when so authorized and directed by ordinance of the legislative authority thereof, all voters shall be registered in accordance with the provisions of this chapter. In such counties, the provisions of chapter 29.07 RCW, as now or hereafter amended, shall be inapplicable and of no force. For the purpose of this chapter, "county auditor" shall have the meaning ascribed to that term by RCW 29.04.095(1). The county auditor shall be responsible for the conduct of voter registration within the county and shall be the custodian of all official voter registration records for that county.

NEW SECTION. Sec. 4. The secretary of state shall design a unified voter registration form, compatible with existing records, which will permit the applicant to conveniently prepare, on a single card, an original registration, an initiative signature card as required by section 11 of this 1975 amendatory act, and a cancellation of any prior registration in this state. The applicant shall enter the required information, other than his or her signature, no more than one time. The form shall also contain instructions on its use, a warning to the applicant of the penalty for knowingly supplying false information, and space for the county auditor to enter the voter's precinct identification, taxing district identification, and registration number. The reverse side of the form shall be printed to permit prepaid mailing to the county auditor.

NEW SECTION. Sec. 5. All registration forms necessary to carry out the registration of voters as provided by this chapter shall be furnished by the secretary of state without cost to the respective counties.

NEW SECTION. Sec. 6. The original voter registration records for all precincts within the county shall be filed alphabetically without regard to precincts in the office of the county auditor and shall not be open to public inspection.

NEW SECTION. Sec. 7. Each county auditor shall maintain a computer file on magnetic tape or disk, punched cards, or other form of data storage containing the records of all registered voters within the county. Where it is necessary or advisable, the auditor may provide for the maintenance of such files by private contract or through interlocal agreement as provided by chapter 39.34 RCW, as now or hereafter amended. The computer file shall include, but not be limited to, each voter's name, residence address, sex, date of registration, applicable taxing district and precinct codes and the last five consecutive dates on which the individual has voted: **PROVIDED**, That if the voter has not voted at least five times since establishing his or her current registration record,

only the available dates shall be included. The county auditor shall subsequently record each consecutive date upon which the individual votes and retain at least the last five such consecutive dates. The computer file of voter registration records shall be arranged so that individual precinct lists of registered voters may be prepared containing only the names, and other information required by this section, listed alphabetically by the surnames of the voters in that precinct.

NEW SECTION. Sec. 8. There is established in the state general fund an account, entitled the voter registration assistance account, to be used to compensate county auditors in counties with fewer than twelve thousand registered voters at the time of the most recent state general election for unrecoverable costs incident to the maintenance of voter registration records on electronic data processing systems. The secretary of state shall administer the voter registration assistance account and authorize the payments therefrom under such rules and regulations as he may prescribe. County auditors in counties entitled to this compensation shall be paid annually an amount equal to thirty cents times the number of registered voters in that county at the time of the most recent state general election.

NEW SECTION. Sec. 9. The expense of the voter registration and the maintenance of voter registration records shall be apportioned between the county and the cities and towns within that county according to the number of voters registered in all rural areas of the county and in each city and town, respectively, at the time of the last state general election.

NEW SECTION. Sec. 10. The county auditor shall be responsible for the distribution of postage prepaid voter registration forms by which a person may register to vote and cancel any previous registration in the state. Registrations submitted on such voter registration forms need not be subscribed to by the county auditor or a deputized registrar. The county auditor shall keep an adequate supply of voter registration forms in his or her office at all times for political parties and others interested in assisting in voter registration and he or she shall make every effort to make these forms generally available to the public through government offices, businesses, labor union offices, schools, and any other locations necessary to extend registration opportunities to all areas of the county. After the initial distribution of voter registration forms to a given location, it shall be the duty of the representative designated at that location by that office, business, union, school, firm, or other establishment to notify the county auditor of the need for additional supplies of voter registration forms.

NEW SECTION. Sec. 11. The applicant for registration shall record on the registration form the following items concerning his or her qualifications as a voter of this state, and of the county, city, town, and precinct in which he or she applies for registration:

(1) The address of his or her last former registration as a voter in this state, if applicable;

(2) His or her full name;

(3) His or her sex;

(4) His or her date of birth;

(5) His or her place of residence for voting purposes, giving the street and number, if any, or the post office or rural mail address. After completing this information concerning his or her qualifications, the applicant shall sign a statement in the following form: "I, the undersigned, hereby declare that the facts set forth relating to my qualifications as a voter are true. I further declare that I am a citizen of the United States, that I am not presently denied my civil rights as a result of being convicted of an infamous crime, and that I will be at least eighteen years of age at the time of voting".

The applicant shall also sign his or her name upon a separate portion of the voter registration card which also contains spaces for his or her surname, followed by his or her given name or names, the name of the county and city or town, with post office or street address, the date on which the individual registered, and the name or number of the precinct in which the voter is registered.

The voter registration form shall provide, in a conspicuous place, the following warning: "Any person who knowingly supplies false information on this voter registra-

tion form or who knowingly makes a false declaration as to his or her qualifications for registration shall be guilty of a felony”.

NEW SECTION. Sec. 12. Upon receipt of a completed voter registration form, the county auditor shall immediately examine the form to see that the applicant for registration is not currently registered in that county and shall record on the form the precinct identification, taxing district identification, and other information required by law. Except as provided in section 13 of this 1975 amendatory act, the county auditor, within fifteen days of receipt of a voter registration form, shall send to the applicant by first class mail a voter registration card identifying his or her current precinct and containing such other information as may be prescribed by the secretary of state. If the voter registration form is incomplete or incorrect, or the applicant for voter registration is found to be currently registered in the county, the county auditor shall so notify the applicant, and if necessary, send him or her a new postage prepaid voter registration form. The post office shall be instructed not to forward this form or any voter registration card to any other address and to return to the county auditor all undelivered forms and voter registration cards.

NEW SECTION. Sec. 13. To be included among the records of a given precinct for any primary or election, the applicant's voter registration form must be received not later than thirty days prior to that primary election. An applicant for voter registration whose application is received less than thirty days prior to a primary or election shall be notified by the county auditor that he or she is not eligible to vote in that upcoming election, explaining that his or her registration will be processed for future elections, and that a voter registration card will be sent to him or her after the upcoming election.

NEW SECTION. Sec. 14. At least thirty-five days prior to each primary or election, the county auditor shall give notice that, in order to be eligible to vote in that election at a regular precinct polling place, an original voter registration form or a request for transfer must be received not later than thirty days prior to that primary or election.

NEW SECTION. Sec. 15. Any qualified elector temporarily residing outside of the county of his or her permanent residence but within the state of Washington, may register in the place where he or she is temporarily residing in the manner provided in this chapter. The county auditor receiving the voter registration forms as provided in section 12 of this 1975 amendatory act shall transmit the forms to the county auditor of the county where the applicant currently resides. A voter registration form received from another county shall be processed immediately by the county auditor of the place of permanent residence of the applicant in the manner provided in sections 12 and 13 of this 1975 amendatory act.

NEW SECTION. Sec. 16. On the first Monday of each calendar month the county auditor shall transmit all initiative signature cards which have been received in his or her office during the prior month to the secretary of state for filing in his office. Each lot must be accompanied by the certificate of the county auditor that the cards so transmitted are the original cards, that they were signed by the voters whose names appear thereon and that the voters are registered in the precincts and from the addresses shown thereon.

NEW SECTION. Sec. 17. The initiative signature cards shall be kept on file in the office of the secretary of state in such manner as will be most convenient for, and for the sole purpose of, checking initiative and referendum petitions. They shall not be open to public inspection or be used for any other purpose.

NEW SECTION. Sec. 18. Prior to each primary or election, the county auditor shall prepare a precinct list of registered voters for each precinct in which that primary or election is to be conducted and a certificate as to the authenticity of those records. He or she shall deliver the precinct list of registered voters and the certificate to the inspector or one of the judges of the appropriate precinct at the proper polling place as provided by RCW 29.48.030, as now or hereafter amended.

NEW SECTION. Sec. 19. The precinct list of registered voters for each precinct, delivered to the precinct election officers for use on the day of an election held in that precinct, shall be returned by them to the county auditor upon the closing of the polling

place or at the completion of the count of the votes cast in that precinct at the election. The lists shall be retained by the county auditor for such time as may be prescribed pursuant to RCW 40.14.070, as now or hereafter amended. These records shall be open to public inspection under such rules and regulations as the county auditor may prescribe.

NEW SECTION. Sec. 20. The secretary of state, as chief election officer, shall adopt rules and regulations not inconsistent with the provisions of this chapter to:

(1) Provide the specifications, including style, form, color, quality, and dimensions of the cards, records, forms, lists, and other supplies to be used in recording and maintaining voter registration records;

(2) Establish standards and procedures for the maintenance of voter registration records on electronic data processing systems and the use of voter registration information in the conduct of elections; and

(3) Facilitate the registration of voters in an orderly manner and assist county auditors in the performance of their responsibilities under this chapter.

He or she shall provide planning, coordination, training and other assistance to county auditors to facilitate the maintenance of voter registration records on electronic data processing systems and the use of voter registration in the conduct of elections.

NEW SECTION. Sec. 21. Sections 3 through 20 of this 1975 amendatory act shall constitute a new chapter in Title 29 RCW.

NEW SECTION. Sec. 22. There is added to chapter 29.07 RCW a new section to read as follows:

This chapter applies to all counties with a population less than four hundred thousand persons according to the most recent determination by the office of program planning and fiscal management pursuant to RCW 43.62.030 and those counties which do not elect to conduct voter registration under the provisions of sections 3 through 20 of this 1975 amendatory act.

Sec. 23. Section 29.07.010, chapter 9, Laws of 1965 as amended by section 4, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.010 are each amended to read as follows:

In [all counties] *any county operating under the provisions of this chapter*, the county auditor shall be the chief registrar of voters for every precinct within the county. He or she shall appoint a deputy registrar for each precinct or for any number of precincts and shall appoint city or town clerks as deputy registrars to assist in registering voters residing in cities, towns, and rural precincts within the county.

A deputy registrar shall be a registered voter and, except for city and town clerks, shall hold office at the pleasure of the county auditor.

The county auditor shall be the custodian of the official registration records of each precinct within that county. The expenses of registration shall be apportioned between the county and cities or towns therein in the same manner as provided in RCW 29.07.030.

Sec. 24. Section 29.07.095, chapter 9, Laws of 1965 as last amended by section 6, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.095 are each amended to read as follows:

Any person temporarily residing outside of the county of his or her permanent residence, but within the state of Washington, may register with the registration officer of the place where he or she is temporarily residing in the [usual] manner [as required] *provided* in this chapter. The registration officer administering the oath and receiving the [application and] registration form[s] as provided in RCW 29.07.060 through 29.07.090 shall transmit the same to the county auditor of the county where the applicant permanently resides [for processing in the same manner as though the applicant had personally applied directly to the registration officer of his residence].

Notwithstanding the provisions of RCW 29.07.050 through 29.07.090 and 29.07.160 the registration [application] form shall be received and [acted upon] *processed* immediately by the [registration officer] *county auditor* of the place of permanent residence of the applicant if the [application was received and] *oath was* administered by the registration officer at the place of temporary residence *or the voter registration form was received* not less than thirty days preceding the next *primary or* election.

Sec. 25. Section 29.07.105, chapter 9, Laws of 1965 as amended by section 14, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.105 are each amended to read as follows:

In [all] cities of the first, second and third class *in the counties operating under the provisions of this chapter*, the governing body shall by ordinance with the consent of the county auditor provide for additional temporary registration facilities during the fifteen day period, excepting Sundays, prior to the last day to register in order to be eligible to vote at a state primary election and during the fifteen day period, excepting Sundays, prior to the last day to register in order to be eligible to vote at a state general election by stationing deputy registrars at stores, public buildings or other temporary locations. The county auditor may deputize additional deputy registrars for the periods of temporary registration if so requested by the governing body of the city. The number of such temporary registration places to be so established and the hours to be maintained shall be, in the judgment of the governing body of the city concerned, adequate to afford ample opportunity for all qualified electors to register for voting, but in no event shall there be less than two such temporary registration places so established. Nothing in this section shall preclude door-to-door registration including registration from a portable office as in a trailer.

Sec. 26. Section 29.10.040, chapter 9, Laws of 1965 as amended by section 26, chapter 202, Laws of 1971 ex. sess. and RCW 29.10.040 are each amended to read as follows:

A registered voter who changes his *or her* residence from one county to another county, shall be required to register anew. Before registering anew, the voter shall sign an authorization to cancel his *or her* present registration in substantially the following form: "I hereby authorize the cancellation of my registration in precinct of county." Such authorization shall be [filed with the registration officer before whom the voter registers anew, and shall be] forwarded promptly to the [registrar] *county auditor* of the county in which the voter was previously registered. Upon the receipt of such authorization, the [registrar] *county auditor* of the county where the previous registration was made, shall cause the signature on the authorization to be compared with the signature on the registration [forms] *record* of such voter, and if it appears that the signatures were made by the same person, the former registration record shall be canceled forthwith [;but if it shall not so appear, it shall be the duty of the registrar receiving such authorization to notify the registrar of the county forwarding such authorization of the apparent fraud, and the registrar receiving such notification shall cancel the new registration, and note on the cards or forms the reasons for such cancellation, and shall notify the person so registered anew, by mail of such cancellation and the reason therefor].

Sec. 27. Section 29.85.200, chapter 9, Laws of 1965 and RCW 29.85.200 are each amended to read as follows:

Any person who [falsely swears, in taking the oath or affirmation prescribed for registration] *knowingly gives false information on an application for voter registration, or who knowingly makes a false declaration as to his or her qualifications as a voter, or who falsely personates another and procures himself or herself to be registered as the person so personated, or causes himself or herself to be registered under two or more different names, or causes any name to be registered otherwise than in the manner provided by law, shall be guilty of a felony.*

NEW SECTION. Sec. 28. Section 29.62.150, chapter 9, Laws of 1965, section 44, chapter 202, Laws of 1971 ex. sess. and RCW 29.62.150 are each hereby repealed.

NEW SECTION. Sec. 29. If any provision of this 1975 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 30. The effective date of this 1975 amendatory act shall be January 1, 1976."

In line 1 of the title after "elections;" and before "amending" strike "and creating a new section;"

In line 6 of the title after "29.10.120" and before "." insert "; amending section

29.07.010, chapter 9, Laws of 1965 as amended by section 4, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.010; amending section 29.07.095, chapter 9, Laws of 1965 as last amended by section 6, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.095; amending section 29.07.105, chapter 9, Laws of 1965 as amended by section 14, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.105; amending section 29.10.040, chapter 9, Laws of 1965 as amended by section 26, chapter 202, Laws of 1971 ex. sess. and RCW 29.10.040; amending section 29.85.200, chapter 9, Laws of 1965 and RCW 29.85.200; creating new sections; adding new sections to Title 29 RCW as a new chapter thereof; adding a new section to chapter 29.07 RCW; repealing section 29.62.150, chapter 9, Laws of 1965, section 44, chapter 202, Laws of 1971 ex. sess. and RCW 29.62.150; making an effective date; and providing penalties", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Beck, the Senate refused to concur in the House amendments to Engrossed Senate Bill No. 2381 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

May 28, 1975.

Mr. President: The House refuses to recede from its amendments to ENGROSSED SENATE BILL NO. 2090 and again asks the Senate to concur, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Stortini, the Senate adhered to the Senate amendments to Engrossed Senate Bill No. 2090 and asks the House for a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Senate Bill No. 2090, and the Senate amendments thereto: Senators Stortini, Newschwander and Marsh.

MOTION

On motion of Senator Mardesich, the Conference Committee appointments were confirmed.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of the House Message on Senate Bill No. 2501.

MESSAGE FROM THE HOUSE

May 28, 1975.

Mr. President: The House has passed SENATE BILL NO. 2501 with the following amendment:

On page 1, beginning on line 8, strike all remaining material, and insert the following:

"The state auditor, through the division of departmental audits, shall make a post-audit of every state department at such reasonable periodic intervals as he shall determine but in each case an audit shall be conducted every two years: *PROVIDED, That for any state department whose biennial appropriation is less than (\$600,000) six*

hundred thousand dollars, such interval may exceed two years, but shall not exceed five years. A report of each post-audit upon completion thereof, shall be made in sextuplet, and one copy shall be transmitted to the governor, one to the director of the office of program planning and fiscal management, one to the attorney general, one to the state department audited, one to the legislative budget committee, and one shall be kept on file in the office of the state auditor.”, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Rasmussen, the Senate concurred in the House amendment to Senate Bill No. 2501.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2501, 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 Bailey, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Goltz, Gould, Grant, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. “Bob”), Mardesich, Marsh, Matson, McDermott, Morrison, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Woody—42.

Absent or not voting: Senators Bottiger, Fleming, Guess, Newschwander, Wana-maker—5.

Excused: Senators Keefe, Murray—2.

SENATE BILL NO. 2501, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of the House Message on Engrossed Substitute Senate Bill No. 2159.

MESSAGE FROM THE HOUSE

May 29, 1975.

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 2159 with the following amendments:

Beginning on page 1, strike everything after the enacting clause and insert the following:

“Section 1. Section 82.35.010, chapter 15, Laws of 1961 as last amended by section 1, chapter 156, Laws of 1971 ex. sess. and RCW 82.36.010 are each amended to read as follows:

For the purposes of this chapter:

(1) “Motor vehicle” means every vehicle which is in itself a self-propelled unit, equipped with solid rubber, hollow-cushion rubber or pneumatic rubber tires and capable of being moved or operated upon a public highway, except motor vehicles used as motive power for or in conjunction with farm implements and machines or implements of husbandry;

(2) “Motor vehicle fuel” means gasoline or any other inflammable gas or liquid, by whatsoever name such gasoline, gas or liquid may be known or sold, the chief use of which is as fuel for the propulsion of motor vehicles, or motorboats;

(3) “Distributor” means every person who refines, manufactures, produces, or compounds motor vehicle fuel and sells, distributes, or in any manner uses it in this state; also every person engaged in business as a bona fide wholesale merchant dealing

in motor vehicle fuel who either acquires it within the state from any person refining it within or importing it into the state, on which the tax has not been paid, or imports it into this state and sells, distributes, or in any manner uses it in this state;

(4) "Service station" means a place operated for the purpose of delivering motor vehicle fuel into the fuel tanks of motor vehicles;

(5) "Department" means the department of motor vehicles;

(6) "Director" means the director of motor vehicles;

(7) "Dealer" means any person engaged in the retail sale of liquid motor vehicle fuels;

(8) "Person" means every natural person, firm, partnership, association, or private or public corporation;

(9) "Highway" means every way or place open to the use of the public, as a matter of right, for purposes of vehicular travel;

(10) "Broker" means every person, other than a distributor, engaged in business as a broker, jobber, or wholesale merchant dealing in motor vehicle fuel or other petroleum products used or usable in propelling motor vehicles, or in other petroleum products which may be used in blending, compounding, or manufacturing of motor vehicle fuel;

(11) "Producer" means every person, other than a distributor, engaged in the business of producing motor vehicle fuel or other petroleum products used in, or which may be used in, the blending, compounding, or manufacturing of motor vehicle fuel;

(12) "Distribution" means all withdrawals of motor vehicle fuel for delivery to others, to retail service stations, or to unlicensed bulk storage plants;

(13) "Bulk storage plant" means, pursuant to the licensing provisions of RCW 82.36.070, any plant, under the control of the distributor, used for the storage of motor vehicle fuel to which no retail outlets are directly connected by pipe lines;

(14) "Marine fuel dealer" means any person engaged in the retail sale of liquid motor vehicle fuel whose place of business and or sale outlet is located upon a navigable waterway;

(15) "*Weighted average retail sales price of motor vehicle fuel*" means the average retail sales price including any federal excise tax of the several grades of motor vehicle fuel (other than special fuels taxed pursuant to chapter 82.38 RCW) sold by service stations throughout the state (less any state excise taxes on the sale, distribution, or use thereof) weighted to reflect the quantities sold at each different price.

Sec. 2. Section 1, chapter 28, Laws of 1974 ex. sess. and RCW 82.36.020 are each amended to read as follows:

Every distributor shall pay, in addition to any other taxes provided by law, an excise tax to the director [of nine cents] *at a rate computed in the manner provided in section 3 of this 1975 amendatory act* for each gallon of motor vehicle fuel sold, distributed, or used by him in the state as well as on each gallon upon which he has assumed liability for payment of the tax under the provisions of RCW 82.36.100: **PROVIDED**, That under such regulations as the director may prescribe sales or distribution of motor vehicle fuel may be made by one licensed distributor to another licensed distributor free of the tax. In the computation of the tax, one-quarter of one percent of the net gallage otherwise taxable shall be deducted by the distributor before computing the tax due, on account of the losses sustained through handling. *A distributor shall collect the tax imposed herein (subject to the provisions of this chapter relating to exemptions and refunds) from each purchaser to whom he distributes or sells motor vehicle fuel and each purchaser shall in turn collect the tax from any subsequent purchaser to the end that the tax imposed herein is ultimately paid by the user of the motor vehicle fuel.* The tax herein imposed shall be collected and paid to the state but once in respect to any motor vehicle fuel. An invoice shall be rendered by a distributor to a purchaser for each distribution of motor vehicle fuel.

The proceeds of the [nine cents] *motor vehicle fuel* excise tax collected on the net gallage after the deduction provided for herein *and after the deductions for refunds and costs of collection as provided in RCW 46.68.090* shall be distributed as [follows:

(1) Six and seven-eighths cents shall be distributed between the state, cities, coun-

ties, and Puget Sound ferry operations account in the motor vehicle fund under the provisions of RCW 46.68.090 and 46.68.100 as now or hereafter amended.

(2) Five-eighths of one cent shall be distributed to the State and expended pursuant to RCW 46.68.150.

(3) Five-eighths of one cent shall be paid into the motor vehicle fund and credited to the urban arterial trust account created by RCW 47.26.080.

(4) Three-eighths of one cent shall be paid into the motor vehicle fund and credited to the Puget Sound reserve account created by RCW 47.60.350.

(5) One-half cent shall be distributed to the cities and towns directly and allocated between them as provided by RCW 46.68.110, subject to the provisions of RCW 35.76.050: PROVIDED, That the funds allocated to a city or town which are attributable to such one-half cent of the additional tax imposed by *this 1961 amendatory act shall be used exclusively for the construction, improvement and repair of arterial highways and city streets as those terms are defined in RCW 46.04.030 and 46.04.120, or for the payment of any municipal indebtedness which may be incurred after June 12, 1963 in the construction, improvement and repair of arterial highways and city streets as those terms are defined in RCW 46.04.030 and 46.04.120. All such sums shall first be subject to proper deductions for refunds and costs of collection as provided in RCW 46.68.090] *provided in RCW 46.68.100, as now or hereafter amended.*

NEW SECTION. Sec. 3. There is added to chapter 82.36 RCW a new section to read as follows:

(1) During the second month of each fiscal quarter ending March 31, June 30, September 30 and December 31 of each year, the department of motor vehicles shall compute a motor vehicle fuel tax rate to the nearest one-half cent per gallon of motor vehicle fuel by multiplying twenty percent times a weighted average retail sales price of motor vehicle fuel, per gallon, sold within the state in the last month of the prior fiscal quarter. The department of motor vehicles shall determine the weighted average retail sales price of motor vehicle fuel by state-wide sampling and survey techniques designed to reflect such prices for the last month of the prior fiscal quarter. The department shall establish reasonable departmental guidelines for its sampling and survey methods.

(2) Subject to provisions of subsections (3) and (4) of this section the excise tax rate computed in the manner provided in subsection (1) of this section shall apply to the sale, distribution or use of motor vehicle fuel beginning the fiscal quarter following computation of the rate and shall remain in effect until a subsequent quarterly computation requires a change in the rate.

(3) (a) Notwithstanding the provisions of subsections (1) and (2) of this section, the excise tax rate for any quarter shall not exceed a rate as computed in this subsection.

(b) Each quarter at the time the department of motor vehicles computes the excise tax rate for the ensuing fiscal quarter of a biennium, the department shall estimate the total aggregate motor vehicle fuel tax revenues and the total of all other state revenues which will accrue to the motor vehicle fund during the full biennium. The estimated total aggregate motor vehicle fuel tax revenues for the biennium shall include those revenues which have accrued to the motor vehicle fund for the quarter or quarters of the biennium that have then elapsed plus revenues which the department determines will accrue during the remaining fiscal quarters of the biennium, assuming the sale, distribution, and use of motor vehicle fuel and special fuel within the state for the remaining fiscal quarters of the biennium shall be at the same volume as during the fiscal quarter last ended, adjusted however for the historic variations in sales, distribution and use according to quarterly period and for projected trends, and at the weighted average retail sales price of motor vehicle fuel as last determined by the department of motor vehicles. The estimated total of all other state revenues to accrue to the motor vehicle fund during the biennium shall include those revenues other than motor vehicle fuel tax revenues which have accrued to the motor vehicle fund for the quarter or quarters of the biennium that have then elapsed plus revenues which the office of program planning and fiscal management determines will accrue during the remaining fiscal quarters of the biennium, assuming that collections of such revenues for the remaining fiscal quarters of the biennium shall be at the same level as during the fiscal quarter just ended, adjusted

however for historic variations in collections according to quarterly period and for projected trends.

(c) If the estimated biennial aggregate motor vehicle fuel tax revenues as computed in paragraph (b) of this subsection, exceed the total of all appropriations and transfers of state revenues from the motor vehicle fund for the biennium (less the estimated total of all state revenues other than motor vehicle fuel tax revenues which will accrue to the motor vehicle fund during the biennium as computed in paragraph (b) of this subsection) by more than two percent thereof, the rate of the motor vehicle fuel tax shall be reduced by one-half cent increments, commencing in the ensuing fiscal quarter, as necessary to reduce such estimated total revenues for the full biennium within the total of such appropriations plus two percent thereof.

(4) (a) Notwithstanding the provisions of subsections (1), (2) and (3) of this section the excise tax rate for any fiscal quarter shall not be less than nine cents a gallon nor less than the rate as computed in paragraphs (b) and (c) of this subsection.

(b) Each quarter at the time the department of motor vehicles computes the excise tax rate for the ensuing fiscal quarter of a fiscal year, the department shall estimate the total aggregate motor vehicle fuel tax revenues which will accrue to the motor vehicle fund during such fiscal year. The estimated total aggregate motor vehicle fuel tax revenues for such fiscal year shall include those revenues which have accrued to the motor vehicle fund for the quarter or quarters of the fiscal year that have then elapsed plus revenues which the department determines will accrue during the remaining fiscal quarters of such fiscal year, assuming the sale, distribution, and use of motor vehicle fuel and special fuel within the state for the remaining fiscal quarters of such fiscal year shall be at the same volumes as during the fiscal quarter last ended, adjusted however for the historic variations in sales, distribution and use according to quarterly period and for projected trends, and further assuming the same weighted average retail sales price of motor vehicle fuel as last determined by the department of motor vehicles.

(c) If the estimated aggregate motor vehicle fuel tax revenues for the fiscal year as computed in paragraph (b) of this subsection are less than an amount equal to the aggregate motor vehicle fuel tax revenues collected during the fiscal year ending June 30, 1973, increased by five percent per year compounded annually for each year which has elapsed from June 30, 1973, to June 30 of the fiscal year for which estimated aggregate motor vehicle fuel tax revenues were computed as provided in paragraph (b) of this subsection, then in such event, the department shall increase the rate of the excise tax by one-half cent increments commencing in the ensuing fiscal quarter as necessary to produce estimated aggregate motor vehicle fuel tax revenues for such fiscal year as great as such revenues collected during the 1973 fiscal year increased by five percent per year compounded annually from June 30, 1973, to June 30 of the fiscal year for which such minimum quarterly tax rate is being computed.

(5) Notwithstanding the provisions of subsections (1) through (4) of this section, the department of motor vehicles in making the quarterly computations for the biennium ending June 30, 1977, shall increase or decrease the excise tax rate by one-half cent increments commencing in each ensuing fiscal quarter as necessary to produce total revenues computed in the manner provided in subsection (3)(b) of this section which most closely approximate, but do not exceed one hundred and two percent of, the total of all appropriations and transfers of state revenues from the motor vehicle fund for the biennium.

(6) Notwithstanding the provisions of subsections (1), (2), and (4) of this section, the excise tax rate for any fiscal quarter shall not be less than the excise tax rate for the preceding quarter, except as provided in subsection (3) of this section.

(7) As used in subsection (3) of this section the phrase "total of all other state revenues which will accrue to the motor vehicle fund" shall include revenues in the motor vehicle fund balance as of the end of the prior biennium as certified by the state treasurer, less an appropriate minimum balance for the biennium as determined by the office of program planning and fiscal management and the proceeds of the sale of bonds but shall not include reimbursements to the motor vehicle fund for services performed by the department of highways for others.

(8) (a) Except as otherwise provided in subparagraph (b) of this subsection, if the department of highways receives notification that unanticipated federal funds of any category in excess of one million dollars will be received for expenditure during a biennium, the highway commission shall give notice of the amount of such unanticipated funds to the department of motor vehicles which shall include such amount in the computation of the estimated total of all other state revenues to accrue during the biennium under subparagraph (b) of subsection (3) of this section for purposes of computing the rate of motor vehicle fuel tax as provided in this section.

(b) Upon receipt by the department of highways of notification that unanticipated federal funds of any category in excess of one million dollars will be received for expenditure during a biennium, if the highway commission determines that such funds may not legally or operationally be substituted for purposes for which state motor vehicle fund moneys have been appropriated, or determines that substitution of such federal funds for state funds would delay the construction of needed highway improvements, the highway commission shall forthwith notify the governor and the standing committees on transportation and utilities of the house and senate of its determination. If both the governor and the standing committees concur in the commission's determination, the unanticipated federal funds shall not be considered by the department of motor vehicles in computing the estimated total of all other state revenues to accrue during the biennium under subparagraph (b) of subsection (3) of this section.

(9) As used in this section the phrase "aggregate motor vehicle fuel tax revenues" shall mean the amount of excise taxes to be paid by distributors, retailers and users pursuant to chapters 82.36, 82.37 and 82.38 RCW, as now or hereafter amended, for any designated fiscal period, whether or not such amounts are actually received by the department of motor vehicles. The phrase does not include fines or penalties assessed for violations.

NEW SECTION. Sec. 4. There is added to chapter 82.36 RCW a new section to read as follows:

The variable motor fuel tax rates imposed by section 3 of this act, the revenues produced thereby, and their effect upon the motor vehicle fuel tax consumers of the state of Washington shall be reviewed by the transportation and utilities committees of the house of representatives and of the senate of the Washington state legislature during the interim between the adjournment of the 44th session and the ensuing 45th session of the legislature. The committees shall report their findings and recommendations for changes, if any, to the 45th session of the legislature.

Sec. 5. Section 46.68.090, chapter 12, Laws of 1961 as last amended by section 74, chapter 32, Laws of 1967 and RCW 46.68.090 are each amended to read as follows:

All moneys which have accrued or may accrue to the motor vehicle fund from the motor vehicle fuel tax and [use] *special* fuel tax shall be first expended for the following purposes:

(1) For payment of refunds of motor vehicle fuel tax and [use] *special* fuel tax which has been paid and is refundable as provided by law;

(2) For payment of amounts to be expended pursuant to appropriations for the administrative expenses of the offices of state treasurer, state auditor and the department of motor vehicles of the state of Washington in the administration of the motor vehicle fuel tax and the [use] *special* fuel tax, said sums to be distributed monthly.

(3) *For payment of the state's share of amounts to be expended pursuant to specific project appropriations for the design, right of way, and construction of projects on the state highway system for the biennium ending June 30, 1977, and the state's share of any appropriations in subsequent bienniums to complete such projects.*

The amount accruing to the motor vehicle fund by virtue of the motor vehicle fuel tax and the [use] *special* fuel tax and remaining after payments as provided in subsections (1) [and], (2) and (3) above shall, for the purposes of this chapter, be referred to as the "net tax amount."

Sec. 6. Section 82.36.100, chapter 15, Laws of 1961 as last amended by section 3, chapter 83, Laws of 1967 ex. sess. and RCW 82.36.100 are each amended to read as follows:

Every person other than a distributor who acquires any motor vehicle fuel within this state upon which payment of tax is required under the provisions of this chapter, or imports such motor vehicle fuel into this state and sells, distributes, or in any manner uses it in this state shall, if the tax has not been paid, apply for a license to carry on such activities, file bond, make reports, comply with all regulations the director may prescribe in respect thereto, and pay [a] *an excise tax [of nine cents] at the rate computed in the manner provided in section 3 of this 1975 amendatory act* for each gallon thereof so sold, distributed, or used *during the fiscal quarter for which such rate is applicable* in the manner provided for distributors, and the director shall issue a license to such person in the manner provided for issuance of licenses to distributors. The proceeds of the tax imposed by this section shall be distributed in the manner provided for the distribution of the motor vehicle fuel excise tax in RCW 82.36.020. However, a distributor licensed under the provisions of this chapter may deliver motor vehicle fuel to an importer in individual quantities of five hundred gallons or less and assume the liability for payment of the tax to this state. Under such conditions, the importer shall be exempt from the requirements of this section. For failure to comply with the terms of this chapter such person shall be subject to the same penalties imposed upon distributors. The director shall pursue against such persons the same procedure and remedies for audits, adjustments, collection, and enforcement of this chapter as is provided with respect to distributors. Nothing herein shall be construed as classifying such persons as distributors.

Sec. 7. Section 3, chapter 22, Laws of 1963 ex. sess. as amended by section 4, chapter 83, Laws of 1967 ex. sess. and RCW 82.37.030 are each amended to read as follows:

In consideration of the use of the public highways of this state, motor carriers who import motor vehicle fuel into the state of Washington in the fuel supply tank or tanks of commercial motor vehicles for use in propelling said vehicles on said highways shall be subject to a tax for such use of the highways as hereinafter provided. A tax at the rate [of nine cents] *computed in the manner provided in section 3 of this 1975 amendatory act* per gallon is hereby imposed upon every motor carrier measured and determined by the number of gallons of motor vehicle fuel so imported and actually used by such motor carrier in its operations within this state *during the fiscal quarter for which such rate is applicable*.

Sec. 8. Section 4, chapter 175, Laws of 1971 ex. sess. as last amended by section 1, chapter (House Bill No. 170), Laws of 1975 1st ex. sess. and RCW 82.38.030 are each amended to read as follows:

(1) There is hereby levied and imposed upon special fuel users a tax [of nine cents] *at the rate computed in the manner provided in section 3 of this 1975 amendatory act* per gallon or each one hundred cubic feet of compressed natural gas measured at standards pressure and temperature on the use (within the meaning of the word use as defined herein) of special fuel in any motor vehicle *during the fiscal quarter for which such rate is applicable*: 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 any motor vehicle until July 1, 1977.

(2) Said tax shall be collected by the special fuel dealer and shall be paid over to the department as hereinafter provided: (a) With respect to all special fuel delivered by a special fuel dealer into supply tanks of motor vehicles or into storage facilities used for the fueling of motor vehicles at unbonded service stations in this state; or (b) in all other transactions where the purchaser indicates in writing to the special fuel dealer prior to or at the time of the delivery that the entire quantity of the special fuel covered by the delivery is for use by him for a taxable purpose as a fuel in a motor vehicle.

(3) Said tax shall be paid over to the department by the special fuel user as hereinafter provided: (a) With respect to special fuel upon which the tax has not previously been imposed which was acquired in any manner other than by delivery by a special fuel dealer into a fuel supply tank of a motor vehicle in this state; or (b) in all transactions with a special fuel dealer in this state where a written statement has not been furnished to the special fuel dealer as set forth in subsection (2)(b) of this section.

It is expressly provided that delivery of special fuel may be made without collecting the tax otherwise imposed, when such deliveries are made by a bonded special fuel dealer to special fuel users who are authorized by the department as hereinafter provided, to purchase fuel without payment of tax to the bonded special fuel dealer.

Sec. 9. Section 46.68.100, chapter 12, Laws of 1961 as last amended by section 1, chapter 124, Laws of 1973 1st ex. sess. and RCW 46.68.100 are each amended to read as follows:

From the net tax amount in the motor vehicle fund there shall be paid [sums as follows] *monthly as funds accrue the following sums:*

(1) [There shall be paid to the cities and towns of the state sums equal to ten and forty-four hundredths percent of the net tax amount to be paid monthly as the same accrues;

(2) To the counties of the state there shall be paid sums equal to thirty-two and sixty-one hundredths percent of the net tax amount to be paid monthly as the same accrues;

(3) To the state there shall be paid to be expended as provided by RCW 46.68.130, sums equal to fifty-five and five-tenths percent of the net tax amount to be paid monthly as the same accrues.

(4) There shall be paid to the Puget Sound ferry operations account sums equal to one and forty-five hundredths percent of the net tax amount to be paid monthly as the same accrues] *To the cities and towns, to be expended as provided by RCW 46.68.110, sums equal to six and eighty-seven hundredths percent of net tax amount;*

(2) To the cities and towns, to be expended as provided by section 10 of this 1975 amendatory act, sums equal to four and fifty-eight hundredths percent of the net tax amount;

(3) To the counties, to be expended as provided by RCW 46.68.120, sums equal to twenty-two and sixty-four hundredths percent of the net tax amount;

(4) To the urban arterial trust account in the motor vehicle fund sums equal to seven and thirty-eight hundredths percent of the net tax amount;

(5) To the state, to be expended as provided by RCW 46.68.130, sums equal to forty-six and eighty-two hundredths percent of the net tax amount;

(6) To the state, to be expended as provided by RCW 46.68.150, sums equal to five and six-tenths percent of the net tax amount;

(7) To the Puget Sound reserve account in the motor vehicle fund sums equal to three and thirty-one hundredths percent of the net tax amount;

(8) To the Puget Sound ferry operations account in the motor vehicle fund sums equal to two and eight-tenths percent of the net tax amount.

Nothing in this section or in RCW 46.68.090 or 46.68.130 shall be construed so as to violate any terms or conditions contained in any highway construction bond issues now or hereafter authorized by statute and whose payment is by such statute pledged to be paid from any excise taxes on motor vehicle fuels.

NEW SECTION. Sec. 10. There is added to chapter 46.68 RCW a new section to read as follows:

The sums distributed to cities and towns as set forth in subsection (2) of RCW 46.68.100, as now or hereafter amended, shall be allocated between them as provided by RCW 46.68.110, subject to the provisions of RCW 35.76.050, to be used exclusively for the construction, improvement and repair of arterial highways and city streets as those terms are defined in RCW 46.04.030 and 46.04.120, or for the payment of any municipal indebtedness which may be incurred after June 12, 1963 in the construction, improvement and repair of arterial highways and city streets.

Sec. 11. Section 9, chapter 83, Laws of 1967 ex. sess. and RCW 46.68.150 are each amended to read as follows:

The [proceeds of five-eighths of one cent of motor vehicle fuel tax and use fuel tax] *sums, distributed to the state pursuant to RCW [82.36.020(2), after proper deductions for refunds and costs of collection as provided in RCW 46.68.090] 46.68.100(6), as now or hereafter amended, and the proceeds of bonds issued and sold pursuant to RCW 47.26.400 through 47.26.407 shall be expended by the state highway commission for construction improvement of state highways in urban areas as provided for in RCW*

47.26.040 through 47.26.070 or for payment of principal and interest on bonds issued pursuant to RCW 47.26.400 through 47.26.407.

Sec. 12. Section 41, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.405 are each amended to read as follows:

Any funds required to repay such bonds, or the interest thereon when due, subject to the proviso of this section, shall be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle fuels and which is distributed to the state under the provisions of RCW [82.36.020(2)] *46.68.100(6) as now or hereafter amended* for construction of state highways in urban areas, and shall never constitute a charge against any allocations of any other such funds to the state, counties, cities and towns unless and until the amount of the motor vehicle fund arising from the excise taxes on motor vehicle fuels and available to the state for construction of state highways in urban areas proves insufficient to meet the requirements for bond retirement or interest on any such bonds.

Sec. 13. Section 45, chapter 83, Laws of 1967 ex. sess. as amended by section 4, chapter 169, Laws of 1973 1st ex. sess. and RCW 47.26.420 are each amended to read as follows:

In order to provide funds necessary to meet the urgent construction needs on county and city arterials within urban areas, there [shall be issued and sold] *are hereby authorized for issuance* general obligation bonds of the state of Washington, *the first authorization of which shall be* in the sum of two hundred million dollars [or such amount thereof] *and the second authorization of which, to be known as series II bonds, shall be in the sum of forty-five million dollars which shall be issued and sold in such amounts* and at such times as determined to be necessary by the state highway commission. The amount of such bonds issued and sold under the provisions of RCW 47.26.420 through 47.26.427 in any biennium shall not exceed the amount of a specific appropriation therefor, from the proceeds of such bonds, for the construction of county and city arterials in urban areas. The issuance, sale and retirement of said bonds shall be under the supervision and control of the state finance committee which, upon request being made by the state highway commission, shall provide for the issuance, sale and retirement of coupon or registered bonds to be dated, issued, and sold from time to time in such amounts as shall be requested by the state highway commission.

Sec. 14. Section 49, chapter 83, Laws of 1967 ex. sess. as amended by section 6, chapter 169, Laws of 1973 1st ex. sess. and RCW 47.26.424 are each amended to read as follows:

Bonds issued under the provisions of RCW 47.26.420 through 47.26.427 shall distinctly state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon and shall contain an unconditional promise to pay such principal and interest as the same shall become due. The principal and interest on such bonds shall be first payable in the manner provided in RCW 47.26.420 through 47.26.427 from the proceeds of state excise taxes on motor vehicle fuels imposed by chapter 82.36 RCW, *chapter 82.37 RCW* and chapter [82.40] *82.38 RCW*. The proceeds of such excise taxes are hereby pledged to the payment of any bonds and the interest thereon issued under the provisions of RCW 47.26.420 through 47.26.427, and the legislature hereby agrees to continue to impose the same excise taxes on motor vehicle fuels in amounts sufficient to pay, when due, the principal and interest on all bonds issued under the provisions of RCW 47.26.420 through 47.26.427.

Sec. 15. Section 50, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.425 are each amended to read as follows:

Any funds required to repay [such] *the first authorization of two hundred million dollars of bonds authorized by RCW 47.26.420, as amended by this 1975 amendatory act*, or the interest thereon when due, subject to the proviso of this section, shall be taken from that portion of the motor vehicle fund [which results from the imposition of excise taxes on motor vehicle fuels] *derived from and equal to the proceeds of five and six-tenths percent of the net amount of the excise tax on motor vehicle fuels imposed by chapters 82.36, 82.37 and 82.38 RCW* and which is distributed to the urban arterial trust

account in the motor vehicle fund, and shall never constitute a charge against any allocations of any other such funds in the motor vehicle fund to the state, counties, cities and towns unless and until the amount of the motor vehicle fund arising from the *proceeds of five and six-tenths percent of the net amount of excise tax on motor vehicle fuels* and distributed to the urban arterial trust account proves insufficient to meet the requirements for bond retirement or interest on any such bonds.

NEW SECTION. Sec. 16. There is added to chapter 47.26 RCW a new section, to be codified as RCW 47.26.425(1) and to become a part of the series of RCW sections 47.26.420 through 47.26.427, to read as follows:

Any funds required to repay the authorization of series II bonds authorized by RCW 47.26.420, as amended by this 1975 amendatory act, or the interest thereon when due, subject to the proviso of this section, shall be taken from that portion of the motor vehicle fund derived from and equal to the proceeds of one and seventy-eight hundredths percent of the net tax amount of the excise tax on motor vehicle fuels imposed by chapters 82.36, 82.37 and 82.38 RCW and which is distributed to the urban arterial trust account in the motor vehicle fund, and shall never constitute a charge against any allocations of any other such funds in the motor vehicle fund to the state, counties, cities and towns unless and until the amount of the motor vehicle fund arising from the proceeds of one and seventy-eight hundredths percent of the net tax amount of the excise tax on motor vehicle fuels and distributed to the urban arterial trust account proves insufficient to meet the requirements for bond retirement or interest on such bonds.

NEW SECTION. Sec. 17. If any provision of this 1975 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 18. This 1975 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and sections 1, 3, 4 and 17 shall take effect immediately, and sections 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16 shall take effect July 1, 1975. Upon and from the effective date of sections 1, 3, 4 and 17 of this 1975 amendatory act through June 30, 1975, the rate of the motor vehicle fuel excise taxes and special fuel taxes imposed by chapters 82.36, 82.37 and 82.38 RCW shall be nine cents per gallon. Commencing with the first quarter of the biennium ending June 30, 1977, the rate of the motor vehicle fuel excise taxes imposed by chapters 82.36, 82.37 and 82.38 RCW shall be at the rate computed in the manner provided in section 3 of this 1975 amendatory act: **PROVIDED HOWEVER,** That notwithstanding the provisions of section 3 of this 1975 amendatory act said excise tax rate shall not exceed twelve cents a gallon."

In line 11 of the title, after "chapter" and before "1st" strike "156, Laws of 1973" and insert "____ (House Bill No. 170), Laws of 1975"

In line 16 of the title, after "47.26.405;" insert "amending section 45, chapter 83, Laws of 1967 ex. sess. as amended by section 4, chapter 169, Laws of 1973 1st ex. sess. and RCW 47.26.420; amending section 49, chapter 83, Laws of 1967 ex. sess. as amended by section 6, chapter 169, Laws of 1973 1st ex. sess. and RCW 47.26.424; amending section 50, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.425; amending section 46.68.090, chapter 12, Laws of 1961 as last amended by section 74, chapter 32, Laws of 1967 and RCW 46.68.090; adding a new section to chapter 47.26 RCW;"; and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

MOTION

Senator Walgren moved that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 2159.

MOTION

On motion of Senator Bailey, further consideration of the House Message on Engrossed Substitute Senate Bill No. 2159 was ordered held until 4:00 p.m.

MOTION

At 2:35 p.m., on motion of Senator Mardesich, the Senate recessed until 4:32 p.m.

SECOND AFTERNOON SESSION

The President called the Senate to order at 4:32 p.m.

The Senate resumed consideration of the House Message on Engrossed Substitute Senate Bill No. 2159, the House amendments thereto and the motion by Senator Walgren that the Senate do concur in the House amendments.

MOTIONS

On motion of Senator Knoblauch, Senator Woody was excused.

There being no objection, Senator Francis was excused.

On motion of Senator Lewis (R. H. "Bob"), Senator Sellar was excused.

The motion by Senator Walgren carried and the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 2159.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 2159, as amended by the House.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of the House Message on Senate Bill No. 2292.

MESSAGE FROM THE HOUSE

May 29, 1975.

Mr. President: The House has passed SENATE BILL NO. 2292, with the following amendments:

On page 1, line 23, after "credit" strike "of the institute fund" and insert "[of the institute fund]"

On page 1, beginning on line 24, after "district" strike all material down to and including "board" on line 25 and insert "[institute fund which shall be created by the intermediate school district board]"

On page 1, beginning on line 30, after "district" strike all material down to and including "fund" on page 2, line 4, and insert "[institute fund]"

On page 2, beginning with "*The professional*" on line 5, strike all material down to and including "*district*" on line 6 and insert "*Such fees*"

On page 2, line 18, after "district and" insert "*shall*"

On page 2, beginning on line 24, after "district" strike all material down to and including "district" on line 25 and insert "[institute funds and/or the intermediate school district]", and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

MOTION

On motion of Senator Goltz, the Senate concurred in the House amendments to Senate Bill No. 2292.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 2292, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2292, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Newschwander, North, Odgaard, Peterson, Pullen, Rasmussen.

Ridder, Sandison, Scott, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—44.

Excused: Senators Francis, Keefe, Murray, Sellar, Woody—5.

SENATE BILL NO. 2292, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of the House Message on Engrossed Substitute Senate Bill No. 2280.

MESSAGE FROM THE HOUSE

May 29, 1975.

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 2280, with the following amendment:

On page 1, beginning on line 23, strike the remainder of the bill and insert the following:

"Section 1. Section 7, chapter 255, Laws of 1969 ex. sess. and RCW 35.58.272 are each amended to read as follows:

"Municipality" as used in RCW 35.58.272 through 35.58.279, as now or hereafter amended, and in sections 5 and 7 through 26 of this 1975 amendatory act, means any metropolitan municipal corporation which shall have been authorized to perform the function of metropolitan public transportation; any county performing the public transportation function as authorized by sections 9 and 10 of this amendatory act or which has established a county transportation authority pursuant to chapter 36.57 RCW; any public transportation benefit area established pursuant to sections 11 through 26 of this amendatory act; and any city, which is not located within the boundaries of [such] a metropolitan municipal corporation, county transportation authority, or public transportation benefit area, and which owns, operates or contracts for the services of a publicly owned or operated system of transportation: *PROVIDED, That the term "municipality" shall mean in respect to any county performing the public transportation function pursuant to sections 9 and 10 of this amendatory act only that portion of the unincorporated area lying wholly within such unincorporated transportation benefit area.*

"Motor vehicle" as used in RCW 35.58.272 through 35.58.279, as now or hereafter amended, shall have the same meaning as in RCW 82.44.010.

"County auditor" shall mean the county auditor of any county or any person designated to perform the duties of a county auditor pursuant to RCW 82.44.140.

"Person" shall mean any individual, corporation, firm, association or other form of business association.

Sec. 2. Section 13, chapter 255, Laws of 1969 ex. sess. as amended by section 1, chapter 54, Laws of 1974 ex. sess. and RCW 35.58.278 are each amended to read as follows:

Distribution of the special excise taxes paid into the general fund on behalf of any municipality shall be made to such municipality as provided in RCW 82.44.150, as now or hereafter amended.

[This section shall expire on June 30, 1981.]

Sec. 3. Section 2, chapter 111, Laws of 1965 ex. sess. as last amended by section 2, chapter 255, Laws of 1969 ex. sess. and RCW 35.95.020 are each amended to read as follows:

The following terms however used or referred to in this chapter, shall have the following meanings, unless a different meaning is required by the context:

(1) "Corporate authority" shall mean the council or other legislative body of a municipality.

(2) "Municipality" shall mean any incorporated city [of the first, second or third class in the state], town, county pursuant to sections 9 and 10 of this amendatory act,

any county transportation authority created pursuant to chapter 36.57 RCW, any public transportation benefit area created pursuant to sections 11 through 26 of this amendatory act, or any metropolitan municipal corporation created pursuant to RCW 35.58.010, et seq: PROVIDED, That the term "municipality" shall mean in respect to any county performing the public transportation function pursuant to sections 9 and 10 of this amendatory act only that portion of the unincorporated area lying wholly within such unincorporated transportation benefit area.

(3) "Person" shall mean any individual, firm, partnership, corporation, company, association, joint stock association, school district or political subdivision of the state, fraternal, benevolent, religious or charitable society, club or organization, and shall include any trustee, receiver, assignee, or other person acting in a similar representative capacity. The term "person" shall not be construed to include the United States nor the state of Washington.

Sec. 4. Section 4, chapter 111, Laws of 1965 ex. sess. and RCW 35.95.040 are each amended to read as follows:

The corporate authorities of a municipality are authorized to adopt ordinances for the levy and collection of excise taxes and/or for the imposition of an additional tax for the act or privilege of engaging in business activities. Such business and occupation tax shall be imposed in such amounts as fixed and determined by the corporate authorities of the municipality and shall be measured by the application of rates against value of products, gross proceeds of sales, or gross income of the business, as the case may be. The terms "business", "engaging in business", "gross proceeds of sales", and "gross income of the business" shall for the purpose of this chapter have the same meanings as defined and set forth in chapter 82.04 RCW or as said chapter may hereafter be amended.

The excise taxes other than the business and occupation tax above provided for shall be levied and collected from all persons within the municipality [who are served and billed for any one or more public utility services owned and operated by such municipality] in such amounts as shall be fixed and determined by the corporate authorities of the municipality: PROVIDED, That such excise tax shall not exceed one dollar per month for each housing unit. For the purposes of this section, the term "housing unit" shall mean a building or portion thereof designed for or used as the residence or living quarters of one or more persons living together, or of one family.

All taxes herein authorized shall be taxes other than a retail sales tax defined in chapter 82.08 RCW and a use tax defined in chapter 82.12 RCW, and the municipality shall appropriate and use the proceeds derived from all taxes authorized herein only for the operation, maintenance and capital needs of its municipally owned or leased and municipally operated public transportation system.

Before any county transportation authority established pursuant to chapter 36.57 RCW or any public transportation benefit area authority established pursuant to sections 11 through 26 of this amendatory act may impose any of the excise taxes authorized pursuant to this section, the authorization for imposition of such taxes shall be approved by the voters residing within such respective area.

The county on behalf of an unincorporated transportation benefit area established pursuant to sections 9 and 10 of this amendatory act may impose any of the excise taxes authorized pursuant to this section only within the boundaries of such unincorporated transportation benefit area.

Sec. 5. Section 8, chapter 167, Laws of 1974 ex. sess. and RCW 36.57.080 are each amended to read as follows:

On the effective date of the proposition approved by the voters in accord with RCW [82.14.047] 35.95.040 or 82.14.045, as now or hereafter amended, the authority shall have and exercise all rights with respect to the construction, acquisition, maintenance, operation, extension, alteration, repair, control and management of passenger transportation which the county or any city located within such county shall have been previously empowered to exercise and such powers shall not thereafter be exercised by the county or such cities without the consent of the authority. The county and all cities within such county upon demand of the authority shall transfer to the authority all unex-

pending funds earmarked or budgeted from any source for public transportation, including funds receivable. The county in which an authority is located shall have the power to contract indebtedness and issue bonds pursuant to chapter 36.67 RCW to enable the authority to carry out the purposes of this chapter and [RCW 82.14.047] 35.95.040 or 82.14.045, as now or hereafter amended, and the purposes of this chapter and [RCW 82.14.047] 35.95.040 or 82.14.045, as now or hereafter amended, shall constitute a "county purpose" as that term is used in chapter 36.67 RCW.

Sec. 6. Section 2, chapter 296, Laws of 1971 ex. sess. and RCW 82.14.045 are each amended to read as follows:

(1) The [governing body upon written request by the mayor or other executive officer of any city within a class AA county, a class AA county or any metropolitan municipal corporation within a class AA county] legislative body of any city pursuant to RCW 35.92.060, of any county which has created an unincorporated transportation benefit area pursuant to sections 9 and 10 of this amendatory act, of any public transportation benefit area pursuant to sections 18 and 19 of this amendatory act, of any county transportation authority established pursuant to chapter 36.57 RCW, and of any metropolitan municipal corporation within a class AA county pursuant to chapter 35.58 RCW, [while not required by legislative mandate to do so,] may, by resolution or ordinance for the sole purpose of providing funds for the operation, maintenance or capital needs of public transportation systems and in lieu of the excise taxes authorized by RCW 35.95.040, as now or hereafter amended, 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, fix and impose a sales and use tax in accordance with the terms of this chapter [to be effective on or after July 1, 1972: 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 *this 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, ex. sess., Laws of 1969]: PROVIDED, That no such legislative body shall impose such a sales and use tax without submitting such an authorizing proposition to the voters and obtaining the approval of a majority of persons voting thereon: PROVIDED FURTHER, That where such a proposition is submitted by a county on behalf of an unincorporated transportation benefit area, it shall be voted upon by the voters residing within the boundaries of such unincorporated transportation benefit area and, if approved, the sales and use tax shall be imposed only within such area. Notwithstanding any provisions of this section to the contrary, any county in which a county public transportation plan has been adopted pursuant to RCW 36.57.070 and the voters of such county have authorized the imposition of a sales and use tax pursuant to the provisions of RCW 82.14.047, section 10, chapter 167, Laws of 1974 ex. sess., prior to the effective date of this 1975 amendatory act, shall be authorized to fix and impose a sales and use tax as provided in this section at not to exceed the rate so authorized without additional approval of the voters of such county as otherwise required by this section.

[Such] The tax authorized pursuant to this section shall be in addition to the tax authorized by RCW 82.13.030 and shall be collected from those persons who are taxable by the state pursuant to chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within such city, public transportation benefit area, county, or metropolitan municipal corporation as the case may be. The rate of such tax [imposed by such city, county or metropolitan municipal corporation] shall be three-tenths of one percent of the selling price (in the case of a sales tax) or value of the article used (in the case of a use tax) and shall not exceed the rate authorized in the proposition approved by the voters unless such increase shall be similarly approved [: PROVIDED, HOWEVER, That].

(2)(a) In the event a metropolitan municipal corporation shall impose a sales and use tax pursuant to this chapter no city, county which has created an unincorporated transportation benefit area, public transportation benefit area authority, or county transportation authority wholly [or partly] within such metropolitan municipal corpo-

ration shall [impose a sales and use tax pursuant to this chapter] *be empowered to levy and/or collect taxes pursuant to RCW 35.58.273, 35.95.040 and/or 82.14.045, as now or hereafter amended*, but nothing herein shall prevent such city or county from imposing sales and use taxes pursuant to any other authorization[: 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].(b) *In the event a county transportation authority shall impose a sales and use tax pursuant to this section, no city, county which has created an unincorporated transportation benefit area, public transportation benefit area, or metropolitan municipal corporation, located within the territory of the authority, shall be empowered to levy or collect taxes pursuant to RCW 35.58.273, 35.95.040, or 82.14.045, as now or hereafter amended.*

(c) *In the event a public transportation benefit area shall impose a sales and use tax pursuant to this section, no city, county which has created an unincorporated transportation benefit area, or metropolitan municipal corporation, located wholly or partly within the territory of the public transportation benefit area, shall be empowered to levy or collect taxes pursuant to RCW 35.58.273, 35.95.040 or 82.14.045, as now or hereafter amended.*

(3) *Any local sales and use tax revenue collected pursuant to this section by any city or by any county for transportation purposes pursuant to sections 9 and 10 of this amendatory act shall not be counted as locally generated tax revenues for the purposes of apportionment and distribution, in the manner prescribed by chapter 82.44 RCW, as now or hereafter amended, of the proceeds of the motor vehicle excise tax authorized pursuant to RCW 35.58.273, as now or hereafter amended.*

NEW SECTION. Sec. 7. There is added to chapter 35.58 RCW a new section to read as follows:

In addition to any other authority now provided by law, and subject only to constitutional limitations, the governing body of any municipality shall be authorized to acquire, construct, operate, and maintain a public transportation system and additions and betterments thereto, and to issue general obligation bonds for public mass transportation capital purposes including but not limited to replacement of equipment: PROVIDED, That the general indebtedness incurred under this section when considered together with all the other outstanding general indebtedness of the municipality shall not exceed the amounts of indebtedness authorized by chapter 39.36 RCW and chapter 35.58 RCW, as now or hereafter amended, to be incurred without and with the assent of the voters.

Upon the effective date of this 1975 amendatory act any such municipality is authorized to pledge that the taxes authorized, levied and collected to pay or secure the payment of any bonds issued after such effective date for authorized public transportation purposes shall continue to be levied, collected and applied until such bonds shall have been paid or sufficient funds for such payment shall have been duly provided and irrevocably set aside by the issuer for such payment. If any of the revenue from any tax or surcharge authorized by this or any other chapter shall have been pledged to secure the payment of any bonds as herein authorized, then as long as that pledge shall be in effect the legislature shall not withdraw the authority to levy and collect the tax. Any municipality is authorized to pledge for the payment or security of the principal of and interest on any bonds issued for authorized public transportation purposes all or any portion of any taxes authorized to be levied by the issuer, including, but not limited to, the local sales and use tax authorized pursuant to RCW 82.14.045 and section 6 of this 1975 amendatory act, as now or hereafter amended, and not more than ten percent of the motor vehicle excise taxes levied and collected pursuant to RCW 35.58.273: PROVIDED, That such ten percent limitation shall not apply to any bonds outstanding on the effective date of this 1975 amendatory act.

NEW SECTION. Sec. 8. There is added to chapter 35.58 RCW a new section to read as follows:

Any city, county, public transportation benefit area authority, county transporta-

tion authority, or metropolitan municipal corporation operating a public transportation system shall be authorized to conduct, contract for, participate in the support research, demonstration, testing and development of public transportation systems, equipment and use incentives and shall have all powers necessary to comply with any criteria, standards, and regulations which may be adopted under the urban mass transportation act (78 Stat. 302 et seq., 49 U.S.C. 1601 et seq.) and to take all actions necessary to meet the requirements of that act. Any county in which a county transportation authority or public transportation benefit area shall have been established and any metropolitan municipal corporation which shall have been authorized to perform the function of metropolitan public transportation shall have, in addition to such powers, the authority to prepare, adopt and carry out a comprehensive transit plan and to make such other plans and studies and to perform such programs as the governing body of the county authority public transportation benefit area authority or metropolitan municipal corporation shall deem necessary to implement and comply with said federal act.

NEW SECTION. Sec. 9. There is added to chapter 36.57 RCW a new section to read as follows:

Every county, except a county in which a metropolitan municipal corporation is performing the public transportation function as of the effective date of this 1975 amendatory act, is authorized to perform such function in such portions of the unincorporated areas of the county, except within the boundaries of a public transportation benefit area established pursuant to sections 11 through 26 of this amendatory act, as the county legislative body shall determine and the county shall have those powers as are specified in RCW 36.57.040 with respect to the provision of public transportation as is authorized pursuant to RCW 36.57.040.

NEW SECTION. Sec. 10. There is added to chapter 36.57 RCW a new section to read as follows:

The legislative body of any county is hereby authorized to create and define the boundaries of unincorporated transportation benefit areas within the unincorporated areas of the county, following school district or election precinct lines, as far as practicable. Such areas shall include only those portions of the unincorporated area of the county which could reasonably assume to benefit from the provision of public transportation services.

NEW SECTION. Sec. 11. For the purposes of this chapter the following definitions shall apply:

(1) "Public transportation benefit area" means a municipal corporation of the state of Washington created pursuant to this chapter.

(2) "Public transportation benefit area authority" or "authority" means the legislative body of a public transportation benefit area.

(3) "City" means an incorporated city or town.

(4) "Component city" means an incorporated city or town within a public transportation benefit area.

(5) "City council" means the legislative body of any city or town.

(6) "County legislative body" means the board of county commissioners or the county council.

(7) "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 by the office of program planning and fiscal management.

(8) "Public transportation service" means the transportation of packages, passengers and their incidental baggage by means other than by chartered bus, sight-seeing bus, 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 shall prohibit an authority from leasing its buses to private certified carriers or prohibit the authority from providing school bus service.

(9) "Public transportation improvement conference" or "conference" shall mean the body established pursuant to section 12 of this amendatory act which shall be authorized to establish, subject to the provisions of section 13 of this amendatory act, a public transportation benefit area pursuant to the provisions of this chapter.

NEW SECTION. Sec. 12. The county legislative authority of every county except any class AA county shall, within ninety days of the effective date of this 1975 amendatory act, and as often thereafter as it deems necessary, and upon thirty days prior written notice addressed to the legislative body of each city within the county and with thirty days public notice, convene a public transportation improvement conference to be attended by an elected representative selected by the legislative body of each city, within such county, and by the county commissioners. Such conference shall be for the purpose of evaluating the need for and the desirability of the creation of a public transportation benefit area within certain incorporated and unincorporated portions of the county to provide public transportation services within such area. In those counties where county officials believe the need for public transportation service extends across county boundaries so as to provide public transportation service in a metropolitan area, the county legislative bodies of two or more neighboring counties may elect to convene a multi-county conference. Further conferences may be convened by the county legislative authority, not to exceed one in any twelve month period, or by a resolution of the legislative bodies of two or more component cities, not to exceed one in any twelve month period, or a petition signed by at least ten percent of the registered voters in the last general election of the city, county or city/county areas of the proposed benefit area. The chairman of the conference shall be elected from the members at large.

NEW SECTION. Sec. 13. Any conference which finds it desirable to establish a public transportation benefit area or change the boundaries of any existing public transportation benefit area shall fix a date for a public hearing thereon, or the legislative bodies of any two or more component cities or the county legislative body by resolution may require the public transportation improvement conference to fix a date for a public hearing thereon. Prior to the convening of the public hearing, the county governing body shall delineate the area of the county proposed to be included within the transportation benefit area, and may furnish a copy of such delineation to each incorporated city within such area. Each city shall advise the county governing body, on a preliminary basis, of its desire to be included or excluded from the transportation benefit area. The county governing body shall cause the delineations to be revised to reflect the wishes of such incorporated cities. This delineation shall be considered by the conference at the public hearing for inclusion in the public transportation benefit area.

Notice of such hearing shall be published once a week for at least four consecutive weeks in one or more newspapers of general circulation within the area. The notice shall contain a description and map of the boundaries of the proposed public transportation benefit area and shall state the time and place of the hearing and the fact that any changes in the boundaries of the public transportation benefit area will be considered at such time and place. At such hearing or any continuation thereof, any interested person may appear and be heard on all matters relating to the effect of the formation of the proposed public transportation benefit area.

The conference may make such changes in the boundaries of the public transportation benefit area as they shall deem reasonable and proper, but may not delete any portion of the proposed area which will create an island of included or excluded lands, and may not delete a portion of any city. If the conference shall determine that any additional territory should be included in the public transportation benefit area, a second hearing shall be held and notice given in the same manner as for the original hearing. The conference may adjourn the hearing on the formation of a public transportation benefit area from time to time not exceeding thirty days in all.

At the next regular meeting following the conclusion of such hearing the conference shall adopt a resolution fixing the boundaries of the proposed public transportation benefit area, declaring that the formation of the proposed public transportation benefit area will be conducive to the welfare and benefit of the persons and property therein.

Within thirty days of the adoption of such conference resolution, the county legislative authority of each county wherein a conference has established proposed boundaries of a public transportation benefit area, may by resolution, upon making a legislative finding that the proposed benefit area includes portions of the county which could not be reasonably expected to benefit from such benefit area or excludes portions of the county

which could be reasonably expected to benefit from its creation, disapprove and terminate the establishment of such public transportation benefit area within such county.

NEW SECTION. Sec. 14. At the time of its formation no public transportation benefit area shall include only a part of any city, and every city shall be either wholly included or wholly excluded from the boundaries of such area. If subsequent to the formation of a public transportation benefit area a part only of any city shall be included within the boundaries of a public transportation benefit area such part shall be deemed to be "unincorporated" for the purpose of selecting a member of the governing authority pursuant to section 16 of this amendatory act.

The boundaries of any public transportation benefit area shall follow school district lines or election precinct lines, as far as practicable. Only such areas shall be included which the conference determines could reasonably benefit from the provision of public transportation services. Only one public transportation benefit area may be created in any county.

NEW SECTION. Sec. 15. Within sixty days of the establishment of the boundaries of the public transportation benefit area the county commissioners and elected representatives of cities within the area shall provide for the selection of the governing body of such area, the public transportation benefit area authority, which shall consist of elected officials selected by and serving at the pleasure of the governing bodies of component cities within the area and the county commissioners of each county within the area.

Within such sixty day period, the legislative body of any city may by resolution of its legislative body withdraw from participation in the public transportation benefit area. The county legislative authority and each city remaining in the public transportation benefit area may disapprove and prevent the establishment of any governing body of a public transportation benefit area if the composition thereof does not meet its approval.

In no case shall the governing body of a single county public transportation benefit area be greater than nine members and in the case of a multi-county area, fifteen members. Those cities within the transportation benefit area and excluded from direct membership on the authority are hereby authorized to designate a member of the authority who shall be entitled to represent the interests of such city which is excluded from direct membership on the authority. The legislative body of such city shall notify the authority as to the determination of its authorized representative on the authority.

Any member of the authority who is an elected official and whose office is not a full time position shall receive forty dollars for each day attending official meetings of the authority.

NEW SECTION. Sec. 16. The public transportation benefit area authority authorized pursuant to section 15 of this amendatory act shall develop a comprehensive transit plan for the area. Such plan shall include, but not be limited to the following elements:

(1) The levels of transit service that can be reasonably provided for various portions of the benefit area.

(2) The funding requirements, including local tax sources, state and federal funds, necessary to provide various levels of service within the area.

(3) The impact of such a transportation program on other transit systems operating within that county or adjacent counties.

(4) The future enlargement of the benefit area or the consolidation of such benefit area with other transit systems.

NEW SECTION. Sec. 17. The comprehensive transit plan adopted by the authority shall be reviewed by the state transportation commission, and if such commission does not exist, by the planning and community affairs agency or its successor to determine:

(1) The completeness of service to be offered and the economic viability of the transit system proposed in such comprehensive transit plan;

(2) Whether such plan integrates the proposed transportation system with existing transportation modes and systems that serve the benefit area;

(3) Whether such plan coordinates that area's system and service with nearby public transportation systems;

(4) Whether such plan is eligible for matching state or federal funds;

After reviewing the comprehensive transit plan, the state transportation commission, and if such does not exist, the planning and community affairs agency or its successor shall have sixty days in which to approve such plan and to certify to the state treasurer that such public transportation benefit area shall be eligible to receive the motor vehicle excise tax proceeds authorized pursuant to RCW 35.58.273, as now or hereafter amended in the manner prescribed by chapter 82.44 RCW, as now or hereafter amended. To be approved a plan shall provide for coordinated transportation planning, the integration of such proposed transportation program with other transportation systems operating in areas adjacent to, or in the vicinity of the proposed public transportation benefit area, and be consistent with the public transportation coordination criteria adopted pursuant to the urban mass transportation act of 1964 as amended as of the effective date of this 1975 amendatory act. In the event such comprehensive plan is disapproved and ruled ineligible to receive motor vehicle tax proceeds, the state transportation commission, and if such does not exist, the planning and community affairs agency or its successor, shall provide written notice to the authority within thirty days as to the reasons for such plan's disapproval and such ineligibility. The authority may re-submit such plan upon reconsideration and correction of such deficiencies in the plan cited in such notice of disapproval.

NEW SECTION. Sec. 18. In addition to the powers specifically granted by this chapter a public transportation benefit area shall have all powers which are necessary to carry out the purposes of the public transportation benefit area. A public transportation benefit area may contract with the United States or any agency thereof, any state or agency thereof, any other public transportation benefit area, any county, city, metropolitan municipal corporation, special district, or governmental agency, within or without the state, and any private person, firm or corporation for the purpose of receiving gifts or grants or securing loans or advances for preliminary planning and feasibility studies, or for the design, construction or operation of transportation facilities. In addition a public transportation benefit area may contract with any governmental agency or with any private person, firm or corporation for the use by either contracting party of all or any part of the facilities, structures, lands, interests in lands, air rights over lands and rights of way of all kinds which are owned, leased or held by the other party and for the purpose of planning, constructing or operating any facility or performing any service which the public transportation benefit area may be authorized to operate or perform, on such terms as may be agreed upon by the contracting parties. Before any contract for the lease or operation of any public transportation benefit area facilities shall be let to any private person, firm or corporation, a general schedule of rental rates for bus equipment with or without drivers shall be publicly posted applicable to all private certificated carriers, and for other facilities competitive bids shall first be called upon such notice, bidder qualifications and bid conditions as the public transportation benefit area authority shall determine.

A public transportation benefit area may sue and be sued in its corporate capacity in all courts and in all proceedings.

NEW SECTION. Sec. 19. A public transportation benefit area authority shall have the following powers in addition to the general powers granted by this chapter:

(1) To prepare, adopt and carry out a general comprehensive plan for public transportation service which will best serve the residents of the public transportation benefit area and to amend said plan from time to time to meet changed conditions and requirements.

(2) To acquire by purchase, condemnation, gift or grant and to lease, construct, add to, improve, replace, repair, maintain, operate and regulate the use of transportation facilities and properties within or without the public transportation benefit area or the state, including systems of surface, underground or overhead railways, tramways, buses, or any other means of local transportation except taxis, and including escalators, moving sidewalks or other people-moving systems, passenger terminal and parking facilities and properties and such other facilities and properties as may be necessary for passenger and vehicular access to and from such people-moving systems, terminal and

parking facilities and properties, together with all lands, rights of way, property, equipment and accessories necessary for such systems and facilities. Public transportation facilities and properties which are owned by any city may be acquired or used by the public transportation benefit area authority only with the consent of the city council of the city owning such facilities. Cities are hereby authorized to convey or lease such facilities to a public transportation benefit area authority or to contract for their joint use on such terms as may be fixed by agreement between the city council of such city and the public transportation benefit area authority, without submitting the matter to the voters of such city.

The facilities and properties of a public transportation benefit area system whose vehicles will operate primarily within the rights of way of public streets, roads or highways, may be acquired, developed and operated without the corridor and design hearings which are required by RCW 35.58.273, as now or hereafter amended, for mass transit facilities operating on a separate right of way.

(3) To fix rates, tolls, fares and charges for the use of such facilities and to establish various routes and classes of service.

In the event any public transportation benefit area shall extend its public transportation services to any area of 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.

NEW SECTION. Sec. 20. Except in accordance with an agreement made as provided in this section, upon the effective date on which the public transportation benefit area commences to perform the public transportation service, no person or private corporation shall operate a local public passenger transportation service within the public transportation benefit area with the exception of taxis, buses owned or operated by a school district or private school, and buses owned or operated by any corporation or organization solely for the purposes of the corporation or organization and for the use of which no fee or fare is charged.

An agreement may be entered into between the public transportation benefit area authority and any person or corporation legally operating a local public passenger transportation service wholly within or partly within and partly without the public transportation benefit area and on said effective date under which such person or corporation may continue to operate such service or any part thereof for such time and upon such terms and conditions as provided in such agreement. Where any such local public passenger transportation service will be required to cease to operate within the public transportation benefit area, the public transportation benefit area authority may agree with the owner of such service to purchase the assets used in providing such service, or if no agreement can be reached, the public transportation benefit area authority shall condemn such assets in the manner and by the same procedure as is or may be provided by law for the condemnation of other properties for cities of the first class, except insofar as such laws may be inconsistent with the provisions of this chapter.

Wherever a privately owned public carrier operates wholly or partly within a public transportation benefit area, the Washington utilities and transportation commission shall continue to exercise jurisdiction over such operation as provided by law.

NEW SECTION. Sec. 21. The public transportation benefit area shall have and exercise all rights with respect to the construction, acquisition, maintenance, operation, extension, alteration, repair, control and management of passenger transportation which any component city shall have been previously empowered to exercise and such powers shall not thereafter be exercised by such component cities without the consent of the public transportation benefit area: **PROVIDED,** That any city owning and operating a public transportation system on such effective date of this chapter may continue to operate such system within such city until such system shall have been acquired by the public transportation benefit area and a public transportation benefit area may not acquire such system without the consent of the city council of such city.

NEW SECTION. Sec. 22. If a public transportation benefit area shall acquire any existing transportation system, it shall assume and observe all existing labor contracts relating to such system and, to the extent necessary for operation of facilities, all of the employees of such acquired transportation system whose duties are necessary to operate efficiently the facilities acquired shall be appointed to comparable positions to those which they held at the time of such transfer, and no employee or retired or pensioned employee of such systems shall be placed in any worse position with respect to pension seniority, wages, sick leave, vacation or other benefits that he enjoyed as an employee of such system prior to such acquisition. The public transportation benefit area authority shall engage in collective bargaining with the duly appointed representatives of any employee labor organization having existing contracts with the acquired transportation system and may enter into labor contracts with such employee labor organization.

NEW SECTION. Sec. 23. Each public transportation benefit area authority shall establish a fund to be designated as the "transportation fund", in which shall be placed all sums received by the authority from any source except the proceeds of bonds issued by the authority, and out of which shall be expended all sums disbursed by the authority unless otherwise provided in bond covenants. The county treasurer, or in the case of a multi-county public transportation benefit area, the county treasurer of the largest component county, shall be the custodian of the fund. The county auditor of such county shall keep the record of the receipts and disbursements, and shall draw and such county treasurer shall honor and pay all warrants, which shall be approved before issuance and payment as directed by the authority.

The county or counties and each city or town which is included in the authority shall contribute such sums towards the expense for maintaining and operating the public transportation system as shall be agreed upon between them.

NEW SECTION. Sec. 24. (1) An election to authorize the annexation of territory contiguous to a public transportation benefit area may be called within the area to be annexed pursuant to resolution or petition in the following manner:

(a) By resolution of a public transportation benefit area authority when it shall determine that the best interests and general welfare of such public transportation benefit area would be served. Such authority shall consider the question of areas to be annexed to the public transportation benefit area at least once every two years.

(b) By petition calling for such an election signed by at least four percent of the qualified voters residing within the area to be annexed and filed with the auditor of the county wherein the largest portion of the public transportation benefit area is located, and notice thereof shall be given to such authority. Upon receipt of such a petition, the auditor shall examine the same and certify to the sufficiency of the signatures thereon.

(c) By resolution of a public transportation benefit area authority upon request of any city for annexation thereto.

(2) The resolution or petition shall describe the boundaries of the area to be annexed. It shall require that there also be submitted to the electorate of the territory sought to be annexed a proposition authorizing the inclusion of such area within the public transportation benefit area and authorizing the imposition of such taxes authorized by law to be collected by the authority.

(3) Upon the annexation of additional area to a public transportation benefit area, the authority of the public transportation benefit area shall be reconstituted within sixty days in accordance with the provisions of section 15 of this amendatory act.

NEW SECTION. Sec. 25. Counties that have established a county transportation authority pursuant to chapter 36.57 RCW and public transportation benefit areas that have been established pursuant to this chapter are eligible to receive a one-time advanced financial support payment from the state to assist in the development of the initial comprehensive transit plan required by RCW 36.57.070 and section 16 of this amendatory act. The amount of this support payment is established at one dollar per person residing within each county or public transportation benefit area, as determined by the office of program planning and fiscal management, but no single payment shall exceed \$50,000. Repayment of an advanced financial support payment shall be made to the public transportation account in the general fund or, if such account does not exist,

to the general fund by each agency within two years of the date such advanced payment was received. Such repayment shall be waived within two years of the date such advanced payment was received if the voters in the appropriate counties or public transportation benefit areas do not elect to levy and collect taxes enabled under authority of this 1975 amendatory act. The state department of transportation or, if such department does not exist, the planning and community affairs agency shall provide technical assistance in the preparation of local transit plans, and administer the advanced financial support payments authorized by this section.

NEW SECTION. Sec. 26. A public transportation benefit area established pursuant to this chapter may be dissolved and its affairs liquidated when so directed by a majority of persons in the benefit area voting on such question. An election placing such question before the voters may be called in the following manner:

- (1) By resolution of the public transportation benefit area authority;
- (2) By resolution of the county legislative body or bodies with the concurrence therein by resolution of the city council of a component city; or
- (3) By petition calling for such election signed by at least ten percent of the qualified voters residing within the area filed with auditor of the county wherein the largest portion of the public transportation benefit area is located. The auditor shall examine the same and certify to the sufficiency of the signatures thereon: PROVIDED, That to be validated, signatures must have been collected within a ninety day period as designated by the petition sponsors.

With dissolution of the benefit area, any outstanding obligations and bonded indebtedness of the public transportation benefit area shall be satisfied or allocated by mutual agreement to the county or counties and component cities of the public transportation benefit area.

NEW SECTION. Sec. 27. There is hereby appropriated from the public transportation account in the general fund or, if such account does not exist, from the general fund to the transportation commission or, if such commission does not exist to the planning and community affairs agency for the biennium ending June 30, 1977 the sum of \$450,000, or so much thereof as may be necessary, to carry out the provisions of sections 16, 17, and 25 of this amendatory act.

NEW SECTION. Sec. 28. The following acts or parts of acts are each hereby repealed:

- (1) Section 10, chapter 167, Laws of 1974 ex. sess. and RCW 82.14.047;
- (2) Sections 1 through 9, chapter 136, Laws of 1973 1st ex. sess. and RCW 35.58.2731; and
- (3) Section 6, chapter 54, Laws of 1974 ex. sess.

NEW SECTION. Sec. 29. Sections 11 through 26 shall constitute a new chapter in Title 36 RCW.

NEW SECTION. Sec. 30. If any provision of this 1975 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 31. This 1975 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1975."

On line 1 of the title after "transportation;" strike the remainder of the title and insert "amending section 7, chapter 255, Laws of 1969 ex. sess. and RCW 35.58.272; amending section 13, chapter 255, Laws of 1969 ex. sess. as amended by section 1, chapter 54, Laws of 1974 ex. sess. and RCW 35.58.278; amending section 2, chapter 111, Laws of 1965 ex. sess. as last amended by section 2, chapter 255, Laws of 1969 ex. sess. and RCW 35.95.020; amending section 4, chapter 111, Laws of 1965 ex. sess. and RCW 35.95.040; amending section 8, chapter 167, Laws of 1974 ex. sess. and RCW 36.57.080; amending section 2, chapter 296, Laws of 1971 ex. sess. and RCW 82.14.045; adding new sections to chapter 35.58 RCW; adding new sections to chapter 36.57 RCW; adding a new chapter to Title 36 RCW; repealing section 10, chapter 167, Laws of 1974 ex. sess. and RCW 82.14.047; repealing sections 1 through 9, chapter 136, Laws of 1973 1st ex. sess. and RCW 35.58.2731; repealing section 6, chapter 54, Laws of 1974 ex.

sess.; making an appropriation; prescribing an effective date; and declaring an emergency.", and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

MOTION

On motion of Senator Walgren, the Senate refused to concur in the House amendments to Engrossed Substitute Senate Bill No. 2280 and asks the House to recede therefrom.

MOTION

On motion of Senator Bottiger, the Senate commenced consideration of the House Message on Engrossed Senate Bill No. 2937.

MESSAGE FROM THE HOUSE

May 29, 1975.

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 2937 with the following amendment:

On page 5, line 31 of the engrossed bill, being the Senate amendment to page 5, line 31 of the printed bill, after "purposes" strike all of the material down to and including "tax" on line 35 of the engrossed bill (being all of the Senate amendment) and insert: " PROVIDED FURTHER, That the total amount remitted by the state treasurer in any biennium to all municipalities levying the excise tax authorized under RCW 35.58.273 shall not exceed twenty-one and eight-tenths percent of the total motor vehicle excise tax levied by the state under RCW 82.44.020 as now or hereafter amended", and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

MOTION

Senator Bottiger moved the Senate do concur in the House amendment to Engrossed Substitute Senate Bill No. 2937.

POINT OF INQUIRY

Senator Washington: "Senator Bottiger, what are the House amendments that we are to concur in?"

Senator Bottiger: "On 2937, this is the point two eight percent increase in the motor vehicle excise tax that goes into the public transportation account. When we had the bill in the Senate we wanted to make sure that we were limiting the maximum that this account could raise to is to an amount equal to one-half of one percent of the motor vehicle excise tax fund. We put on an amendment which I felt would do that. The staff then came up with a different wording of the same amendment, after consultation with the attorneys for the Highway Department and others, to make sure that that is what we are talking about, and it now reads, 'an amount equal to twenty-one and eight tenths percent of the total motor vehicle excise tax fund; which, when you equate that, equals one-half of one percent of the motor vehicle excise tax. That is the sole amendment that the House put on, the one I am asking you to concur with.'"

Debate ensued.

The motion by Senator Bottiger carried and the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 2937.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 2937, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 2937, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 30; nays, 12; absent or not voting, 2; excused, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Donohue, Goltz, Gould, Guess, Henry, Jolly, Jones, Knoblauch, Lewis (R. H. "Bob"),

Mardesich, McDermott, Morrison, North, Odegaard, Peterson, Ridder, Stortini, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—30.

Voting nay: Senators Cunningham, Day, Grant, Lewis (Harry), Marsh, Matson, Newschwander, Pullen, Rasmussen, Sandison, Scott, Talley—12.

Absent or not voting: Senators Fleming, Herr—2.

Excused: Senators Francis, Keefe, Murray, Sellar, Woody—5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2937, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of the House Message on Engrossed Substitute House Bill No. 47.

MESSAGE FROM THE HOUSE

May 30, 1975.

Mr. President: The House has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 47, and has granted said committee the powers of Free Conference.

DONALD R. WILSON, Assistant Chief Clerk.

REPORT OF FREE CONFERENCE COMMITTEE

May 30, 1975.

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 47, broadening definition of urban areas eligible for urban arterial funds, have had the same under consideration, and we recommend that the following amendments be adopted in lieu of the Senate amendments on page 1, line 10 and page 1, line 12:

On page 1, line 10 of the engrossed bill, after "approval of" strike "the federal department of the secretary of transportation" and insert "the secretary of the United States department of transportation".

On page 1, line 13, of the printed bill beginning with "as determined" strike all material down to and including "management" on line 14.

Signed by: Senators Bottiger, Walgren and Bluechel; Representatives North, Hansen and Gilleland.

MOTION

Senator Bottiger moved the report of the Free Conference Committee on Engrossed Substitute House Bill No. 47 be adopted.

Debate ensued.

POINT OF INQUIRY

Senator Wilson: "Will Senator Bottiger yield? Senator Bottiger, is this the little bill that makes it a little easier for smaller communities to share in these funds?"

Senator Bottiger: "That is exactly the bill you have in your hand."

Further debate ensued.

POINT OF INQUIRY

Senator Van Hollebeke: "Would Senator Bluechel yield to a question? Senator Bluechel, do you know what this bill as presented to us now would do for communities such as Lake Forest Park, Montlake Terrace and Edmonds and the unincorporated areas of north King County and south Snohomish County?"

Senator Bluechel: "I cannot give you the answer as to the original make-up of the spread of urban arterial funds. I would have to defer, frankly, to Senator Bottiger who is the expert in this field to tell you exactly how the funds are distributed right now. This bill in effect spreads the distribution of funds from the urban areas to the entire state but I cannot give you the exact distribution within the urban areas."

Senator Bottiger: "Senator Van Hollebeke, the state is divided up into districts and the funds are divided up equally, or at least population-wise into those districts. Under the present law, only the larger cities and counties, in a sense, for the immediate surrounding area to a larger city can even apply. Now the three cities, that you have named. . ."

Senator Van Hollebeke: "They can apply, you say? They can even apply?"

Senator Bottiger: "They cannot apply unless they meet that five thousand population level. Now the cities that you mentioned, I do not know if they are over five thousand or not."

Senator Van Hollebeke: "Two are and one is not."

Senator Bottiger: "The one that is not, unless it is surrounded by heavily populated residential area, would not be able to apply. If this bill passes—if it is surrounded by heavy populated area it might be able to apply now. If it is not, it would not be able to apply. Under this bill it makes no difference the size, it will be the problem we address ourselves to and not the size of the city."

Senator Wanamaker: "I would like to add further that this also puts the entire state in conformity with what it originally has been in the Puget Sound district which is mostly made up of King County, where in that Puget Sound district the population at the present time does not make any difference and they are able to go on down below the five thousand, and this only allows other small towns in the state to do the same thing you are doing in King County."

Senator Guess: "Mr. President, there is one other justification for the shift in this position. That is that those people who live in the small towns have for many years been paying the gasoline tax. If you remember, we raised the gasoline tax about a cent and a half. Those people have not participated in the benefits from the five-eighths cents although they might have, only by the time when they go to the largest towns they did participate, but the small town has not had a way of meeting the inflationary cost of repairing the city streets. Now those main streets will be able to be repaired and I think that this is only justification. It justifies a change in the law."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 47, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 34; nays, 10; excused, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Goltz, Guess, Henry, Jolly, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, Matson, McDermott, Morrison, Newschwander, Odegard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Stortini, Talley, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—34.

Voting nay: Senators Bluechel, Cunningham, Gould, Grant, Herr, Jones, Mardesich, North, Scott, Van Hollebeke—10.

Excused: Senators Francis, Keefe, Murray, Sellar, Woody—5.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 47, 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 30, 1975.

Mr. President: The House has adopted the report of the Conference Committee on

ENGROSSED HOUSE BILL NO. 205, and has granted said committee the powers of Free Conference.

DONALD R. WILSON, Assistant Chief Clerk.

REPORT OF FREE CONFERENCE COMMITTEE

May 30, 1975.

Mr. Speaker:

Mr. President:

We of your Free Conference Committee, to whom was referred ENGROSSED HOUSE BILL NO. 205, redesignating intermediate school districts with their attendant boards and officials, as educational service districts, have had the same under consideration, and we recommend that the bill do pass with the following changes:

That the Senate amendment to page 107, line 33 be adopted;

That the three Senate amendments to page 11 be not adopted; and that the following amendments be adopted in lieu thereof:

On page 11, line 9, after "in the" strike "number and" and insert "[number and]"

On page 11, following line 18, insert a new paragraph to read as follows:

"Consistent with the purposes of RCW 28A.21.010 the state board may recommend at any time it deems advisable or upon petition of any educational service district board changes in the number of educational service districts including a proposed equitable adjustment and transfer of the property, assets and liabilities among the educational service districts involved. Prior to recommending changes in the number of educational service districts, the duties and responsibilities of which may be increased or decreased by such proposed changes, the state board shall hold at least one public hearing on such proposed change and shall consider any recommendations thereon: PROVIDED, HOWEVER, That changes in the number of educational service districts shall not be made except with the express approval of the legislature."

Signed by: Senators Odegaard, Gould and Stortini; Representatives Bauer, Erickson and Eikenberry.

MOTION

On motion of Senator Odegaard, the report of the Free Conference Committee on Engrossed House Bill No. 205 was adopted.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 205, 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, 1, excused, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington—42.

Voting nay: Senator Wilson—1.

Absent or not voting: Senator Jones—1.

Excused: Senators Francis, Keefe, Murray, Sellar, Woody—5.

ENGROSSED HOUSE BILL NO. 205, 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.

MESSAGES FROM THE HOUSE

May 30, 1975.

Mr. President: The House has concurred in the Senate amendments to EN-

GROSSED HOUSE BILL NO. 733, and has passed the bill as amended by the Senate.
DONALD R. WILSON, Assistant Chief Clerk.

May 30, 1975.

Mr. President: The House has adopted the report of the Free Conference Committee on ENGROSSED HOUSE BILL NO. 95, and has passed the bill as amended by the Free Conference Committee.

DONALD R. WILSON, Assistant Chief Clerk.

May 30, 1975.

Mr. President: The House has receded from its amendment to page 1, line 12 to ENGROSSED SENATE BILL NO. 2862, and has passed the bill without the amendment, and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

May 30, 1975.

Mr. President: The House has granted the request of the Senate for a conference on ENGROSSED SUBSTITUTE SENATE JOINT RESOLUTION NO. 127, and the House amendment thereto, and the Speaker has appointed as members of the Conference Committee thereon: Representatives Sommers, Conner and Newhouse.

DEAN R. FOSTER, Chief Clerk.

May 30, 1975.

Mr. President: The House has granted the request of the Senate for a conference on ENGROSSED HOUSE BILL NO. 173, and the Senate amendment on page 1, line 22, and the Speaker has appointed as members of the conference committee thereon: Representatives Clemente, Bauer and Kuehnle.

DEAN R. FOSTER, Chief Clerk.

May 30, 1975.

Mr. President: The House has granted the request of the Senate for a conference on ENGROSSED HOUSE BILL NO. 774, and the Senate amendments thereto, and the Speaker has appointed as members of the conference committee thereon: Representatives Parker, Dunlap and O'Brien.

DONALD R. WILSON, Assistant Chief Clerk.

President Pro Tempore Henry assumed the Chair.

MOTION

On motion of Senator Mardesich, the Senate advanced to the sixth order of business.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Engrossed House Bill No. 437.

SECOND READING

ENGROSSED HOUSE BILL NO. 437, by Representatives Charnley, Patterson, Newhouse and Douthwaite (by Department of Highways request):

Specifying types of signs permissible which are visible from highways.

The bill was read the second time by sections.

On motion of Senator Bottiger, the rules were suspended, Engrossed House Bill No. 437 was advanced to third reading, the second 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. 437, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 1; excused, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—43.

Voting nay: Senator Bluechel—1.

Excused: Senators Francis, Keefe, Murray, Sellar, Woody—5.

ENGROSSED 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.

MOTION

On motion of Senator Walgren, Engrossed Substitute House Bill No. 164 will be considered following Substitute House Bill No. 428.

SECOND READING

HOUSE BILL NO. 230, by Representatives Douthwaite, Leckenby, Bender, Clemente and Dunlap (by Department of Highways request):

Authorizing the highway commission to establish equipment requirements for unsafe road conditions.

REPORT OF STANDING COMMITTEE

April 24, 1975.

HOUSE BILL NO. 230, authorizing the highway commission to establish requirements for unsafe road conditions (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 24 after the period add:

"Such signs or traffic control devices shall in no event prohibit the use of studded tires from November 1 to April 1, but when the highway commission determines that chains are required and that no other traction equipment will suffice, such requirement shall be applicable to all types of tires including studded tires. Such signs or traffic control devices may specify different recommendations or requirements for four wheel drive vehicles in gear."

On page 1, beginning on line 24, after "determined" and before "under" insert *"in addition to but not exclusive of studded tires or four wheel drive vehicles in gear"*.

Signed by: Senators Walgren, Chairman; Benitz, Bottiger, Guess, Knoblauch, Lewis (R. H. "Bob"), Morrison, Peterson, Sellar, Wanamaker.

The bill was read the second time by sections.

Senator Bottiger moved adoption of the committee amendments.

POINT OF INQUIRY

Senator Talley: "Would Senator Bottiger yield? Senator, we well know that the Highway Department is opposed to studded tires. You do not think with this piece of legislation they are going to come up with a regulation as to weather conditions where we must have chains on our studded tires and if we have studded tires we have to have chains on at all times if we do not pull the studs off?"

Senator Bottiger: "Senator Talley, so that you understand, they can do that now. There are certain conditions in the mountain passes where they will not permit you to

just use studded tires and they require chains as well. This bill does not change that at all, but with the committee amendment it does prohibit the prohibition of them banning studded tires."

Senator Talley: "But they still could permit studded tires but require you to have chains on at all times when you have studs?"

Senator Bottiger: "They could do that now, Senator Talley. They have not. I am not concerned about it. They could say that the mountain pass is such that even if you have studded tires you have to have chains as well."

Senator Talley: "I am not worried about the mountain passes. I am just worried about home."

Senator Bottiger: "I do not think that is a probability, even a remote probability, Senator Talley."

MOTION

The motion by Senator Bottiger carried and the committee amendments were adopted.

There being no objection, further consideration of House Bill No. 230, as amended, was ordered held following Substitute House Bill No. 428.

MOTION

On motion of Senator Walgren, Substitute House Bill No. 427 was ordered held for consideration following Second Substitute House Bill No. 1007.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 428, by Committee on Transportation and Utilities (originally sponsored by Representatives Perry, Patterson, Hansen, Gaines and Gilleland) (by Executive request):

Making appropriations for highways.

The bill was read the second time by sections.

On motion of Senator Bottiger, the rules were suspended, Substitute House Bill No. 428 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 428, and the bill passed the Senate by the following vote: Yeas, 41; nays, 3; excused, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Ridder, Sandison, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—41.

Voting nay: Senators Cunningham, Rasmussen, Scott—3.

Excused: Senators Francis, Keefe, Murray, Sellar, Woody—5.

SUBSTITUTE HOUSE 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.

SECOND READING

HOUSE BILL NO. 230, by Representatives Douthwaite, Leckenby, Bender, Clemente and Dunlap (by Department of Highways request):

Authorizing the highway commission to establish equipment requirements for unsafe road conditions.

The Senate resumed consideration of House Bill No. 230 from earlier today. On motion of Senator Bottiger, the committee amendments were adopted at that time.

On motion of Senator Bottiger, the rules were suspended, House Bill No. 230, as

amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 230, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Stortini, Talley, Van Hollèbeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—44.

Excused: Senators Francis, Keefe, Murray, Sellar, Woody—5.

HOUSE BILL NO. 230, 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 Marsh, Engrossed Substitute House Bill No. 164 was ordered held for later today.

On motion of Senator Mardesich, Engrossed Second Substitute House Bill No. 827 was ordered held on the second reading calendar for Saturday, May 31, 1975.

On motion of Senator Mardesich, Engrossed House Bill No. 176 was ordered held on the second reading calendar for Saturday, May 31, 1975.

MOTION

On motion of Senator Mardesich, the Senate resumed consideration of Engrossed Substitute House Bill No. 378.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 378, by Committee on State Government (originally sponsored by Representatives Moon, Pardini, Jastad, May, Haussler, Thompson, Douthwaite, Paris and Ceccarelli):

Prescribing procedures for the collection, analysis, and reporting of statistical information on file by the state fire marshal.

The Senate resumed consideration of Engrossed Substitute House Bill No. 378. On May 23, 1975 an amendment by Senator Rasmussen to page 2, line 9 had been moved for adoption.

MOTION

Senator Lewis (Harry) moved Engrossed Substitute House Bill No. 378 and the pending amendment by Senator Rasmussen be considered on the next working day.

Debate ensued.

The motion by Senator Lewis (Harry) carried. Engrossed Substitute House Bill No. 378, together with the pending amendment by Senator Rasmussen, was ordered placed on the second reading calendar on the next working day.

MOTION

On motion of Senator Mardesich, Reengrossed House Bill No. 285 was ordered held on the second reading calendar for Saturday, May 31, 1975.

SECOND READING

ENGROSSED HOUSE BILL NO. 350, by Representatives Randall, Pardini and Erickson (by Department of Revenue request):

Pertaining to hotel, motel excise tax by counties and cities.

The bill was read the second time by sections.

Senator Matson moved adoption of the following amendment:

On page 1, line 30 of the engrossed bill, being the fourth line of the underlined material in the House amendment to the House Committee Amendment, after "amendatory act," insert "*either pledged the tax revenues for payment of principal and interest on city revenue or general obligation bonds authorized and issued pursuant to RCW 67.28.150 through 67.28.160 or has*"

On motion of Senator Mardesich, Engrossed House Bill No. 350, together with the pending amendment by Senator Matson, was ordered held following consideration of Substitute House Bill No. 867.

SECOND READING

ENGROSSED HOUSE BILL NO. 612, by Representatives Gallagher, Deccio and Wojahn:

Revising laws relating to accountants.

The Senate resumed consideration of Engrossed House Bill No. 612, as amended. On Thursday, May 29, 1975, Senator Van Hollebeke moved that the following amendment by Senator Rasmussen not be adopted:

On page 4, line 30, being page 4, line 29 of the printed bill, strike all of subsection (2) and insert the following:

"[(2) Every person practicing public accounting shall as a prerequisite to annual renewal of such permit, submit to the Washington state board of accountancy satisfactory proof of having, during the preceding three years, completed fifteen days or an accumulation of one hundred twenty hours of continuing education recognized and approved by the board: PROVIDED, That this subsection shall not apply to applications for renewal until three years after July 16, 1973: PROVIDED, That this requirement may be waived by the board for good cause.]"

Senator Rasmussen moved the amendment be adopted.

POINT OF ORDER

Senator Van Hollebeke: "Mr. President, I raise the issue of scope and object and would like to speak on it.

"Mr. President and members of the Senate, this bill deals with the fees for the practice of accounting for certified public accountants and licensed public accountants, deals only with those fees, and this amendment deals with the continuing education program and has nothing to do with fees as proposed in the original bill and, therefore, I think, widens the scope and broadens the object."

Debate ensued.

PARLIAMENTARY INQUIRY

Senator Cunningham: "I have two amendments that are for this same section and beginning on line 29 that deal with this. If Senator Rasmussen's amendment is sustained, there is no way I can use my amendments to perfect, so should my amendments not be considered first?"

REPLY BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "The point is well taken, Senator Cunningham."

Senator Cunningham moved adoption of the following amendment:

On page 4, line 27 of the engrossed bill, being line 26 of the printed bill, after "payment of" insert "*one and one-half times*"

Debate ensued.

Senator Rasmussen moved that Engrossed House Bill No. 612 be held for further consideration on the next working day.

Debate ensued.

The motion by Senator Rasmussen failed.

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

Senator Cunningham moved adoption of the following amendment:

On page 4, line 29, being line 28 of the printed bill, after "expiration" and before the period insert: "*PROVIDED, That the applicant shall have satisfactorily completed a written examination, the contents of which shall be determined by the board, which shall assure the applicant's continued competency*"

POINT OF INQUIRY

Senator Lewis (R. H. "Bob"): "Will Senator Cunningham yield? Senator Cunningham, I do not want to belabor this but I am a little concerned about the trend you might be starting here. I mean, I am concerned that my CPA be competent and that he continue in his proficiency and keep up to date with everything. It is equally important to me that if I have an attorney representing me that he be up to date on everything, and my doctor certainly would be in that same category, that he is up to date, and my chiropractor, if he has to go back to school and pass a written exam for competency once in a while. Do attorneys all have to do this now, go back and have a written examination periodically for their competency, or doctors?"

Senator Cunningham: "I cannot tell you whether they have to. Whether they should could be debatable. What this does say, this would only apply now to those whose licenses have expired. That is all this amendment says, because to get their initial license to begin with they are going to have to take a test. Normally when it expires it is just renewed. This simply says if it does expire you had better take the test."

POINT OF INQUIRY

Senator Van Hollebeke: "Would Senator Cunningham yield to a question, please? Senator Cunningham, I have got a lot of amendments coming across here and I am not sure just where we are on this particular one. I missed some of—would you explain the amendment to me again quickly, please?"

Senator Cunningham: "What this says, we just adopted earlier an amendment that says if they are late in filing and their license expires they are going to pay a penalty, but at the same time they can let their license lapse for a year or so and this simply would say that they will then take a written examination."

Senator Van Hollebeke: "All right. And this provides that if they are late at all they would have to take the written examination?"

Senator Cunningham: "That is true."

Senator Van Hollebeke: "Thank you."

Senator Guess moved adoption of the following amendment to the amendment by Senator Cunningham:

On page 4, line 29, being line 28 of the printed bill, after "applicant" insert: "*whose license shall have expired for a period of one year*"

POINT OF INQUIRY

Senator Cunningham: "Mr. President, I would ask the body, whoever would care to choose to answer, we require these examinations for the driver's license. Now in this instance we are certifying that these people are competent accountants and I do not think it is unreasonable. If somebody would like to answer the question, don't we require new tests for expired drivers licenses?"

Senator Van Hollebeke: "No, Senator Cunningham, that is not ordinarily done."

Debate ensued.

Senators Herr, Guess and Cunningham demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be adoption of the amendment by Senator Cunningham as amended by Senator Guess.

The motion by Senator Cunningham carried and the amendment, as amended, was adopted.

Senator Cunningham moved adoption of the following amendment:

On page 5, section 5, line 1, after "July 16, 1973" insert a period and strike the remainder of the section.

Debate ensued.

REMARKS BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "While we have this pause in the day's operations I will remind you that the three minute rule will go into effect. There will be one speech with no yields on any one amendment or subject."

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

There being no objection, the amendments on the Secretary's desk by Senator Lewis (Harry) were withdrawn.

There being no objection, the amendment by Senator Rasmussen to page 4, line 30 on which a point of order had been raised by Senator Van Hollebeke, was withdrawn.

Senator Rasmussen moved adoption of the following amendment:

On page 5, line 2 of the engrossed bill, being line 1 of the printed bill, after "cause" insert ": *PROVIDED FURTHER, That the education requirement provided for in subsection (2) shall not apply to licensed public accountants*"

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

On motion of Senator Van Hollebeke the rules were suspended, Engrossed House Bill No. 612, 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. 612, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; nays, 2; absent or not voting, 2; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, North, Odegard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Woody—41.

Voting nay: Senators Newschwander, Wilson—2.

Absent or not voting: Senators Fleming, Washington—2.

Excused: Senators Francis, Keefe, Murray, Sellar—4.

ENGROSSED HOUSE BILL NO. 612, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator McDermott, the Senate commenced consideration of Engrossed House Bill No. 1043.

SECOND READING

ENGROSSED HOUSE BILL NO. 1043, by Representative Savage:

Requiring an employer to assure a workman on temporary disability of a light duty position.

The bill was read the second time by sections.

On motion of Senator Ridder, the rules were suspended, Engrossed House Bill No. 1043 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Matson: "Will Senator Ridder yield? Senator Ridder, on page 2 of the bill,

line 15, there is a phrase here that says that once the workman returns to work he cannot be required to do any other work described without the workman's consent. Now what does that mean, workman's consent?"

Senator Ridder: "I think the intent of that, Senator Matson, would be that if a worker returns to work, say, in some sort of custodial capacity which would be considered light duty, and for instance some vacancy should occur on the line or the heavier duty in which he had originally been employed, that he could not be required at cost of his position to take that work without his own considered consent."

Senator Matson: "I think what my concern is that in many cases he may give consent and then become injured because of taking some heavy work or something and then deny having given consent, and who is liable under those circumstances? It seems to me if you are going to give consent you are going to have to get it in writing or some other way so that you do not have that possibility."

Senator Ridder: "I would say that the employer would be well advised to do that."

Senator Matson: "My concern is maybe it ought to be put in the law."

Senator Ridder: "I am sorry, I do not have the bill immediately open."

On motion of Senator Ridder, the rules were suspended and Engrossed House Bill No. 1043 was returned to second reading.

Senator Ridder moved adoption of the following amendment by Senator Grant:

On page 2, line 15 after "*workman's*" and before "*consent*" insert "*written*".

There being no objection, on motion of Senator Ridder, the amendment by Senator Grant was withdrawn.

Senator Ridder moved adoption of the following amendment:

On page 2, line 15, after "*described*" and before "*within*" insert "*at the time he returns, without prior review or*"

POINT OF INQUIRY

Senator Matson: "Mr. President, if I understand the way you are reading it now, if the man goes back to work and is pushing a broom and a month later his employer says, 'We need somebody over here to stack boxes,' and the person is willing to do it, he cannot do it without going back to his doctor. Is that correct the way I read it now?"

Senator Ridder: "That would be my interpretation of that language, yes."

Senator Matson: "We had better get busy and have some more doctors because we are going to need an awful lot of them if every time a man shifts jobs after some sort of an injury he has to go to the doctor to get permission to shift his job."

Senator Ridder: "I would suppose it would be that or the lawyers if every time he consents we would have some litigation as to whether the consent was actual, even in case of a written consent, if it were under some sort of coercion. This bill does not, incidentally, provide only for a return to the original place of employment. It provides for conditional employment at some other light duty work and still allowing the injured worker to put himself in the job market without simply remaining completely out of that."

MOTION

On motion of Senator Ridder, Engrossed House Bill No. 1043 was ordered held for further consideration on the next working day.

MOTION

On motion of Senator McDermott, the Senate commenced consideration of House Bill No. 162.

SECOND READING

HOUSE BILL NO. 162, by Representatives Seeberger, Hansen, Warnke, McKibbin, Gaines and Schumaker:

Removing the requirement that certain justices of the peace and district court judges be attorneys.

The bill was read the second time by sections.

On motion of Senator Woody, the rules were suspended, House Bill No. 162 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Talley: "I wonder if the Senator would yield to a question? When this bill was put through, the argument of the lawyers that you were the only ones that were capable of rendering justice, that we should take it out of the hands of the laymen, and now you are putting it back in the hands of the laymen. I do not understand your logic."

Senator Woody: "That was not my argument back then."

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Woody yield to a question? Senator Woody, you said we are putting this back where now a layman could be a district court judge?"

Senator Woody: "In the second class or larger counties, yes."

Senator Rasmussen: "That constitutional judicial reform that passed through the other night on a conference committee report, does it provide that no one but attorneys can be district court judges after the constitutional amendment is adopted?"

Senator Woody: "As I recall, it does provide that, yes."

Senator Rasmussen: "Do you recall anyone saying on this floor that that provision was in the judicial articles?"

Senator Woody: "Maybe Senator Clarke's memory is better than mine as to whether in the final provisions that was in there, but as I recall it was in the earlier provision."

Senator Rasmussen: "Yes, as I remember it, when the Senate passed the bill over to the House, the constitutional amendment, there was an amendment put in there which made it clear that in areas of the state that you could have district judges that were not lawyers, but that was kind of slipped through in the dark of the night, and I would have to recommend to the people to vote against the judicial article on that basis."

Senator Woody: "I would have to correct your memory. That particular provision was there at every daylight committee meeting of the judiciary up until the time that it was ultimately passed. It was never put in there at the tail end of anything."

Senator Clarke: "It was my recollection that the House put in a grandfather clause in the judicial article. That was one of the amendments they put in which grandfathered in the non-lawyer judges that held the position at the time of the adoption."

POINT OF INQUIRY

Senator Talley: "Senator Clarke, would you yield? This will completely change that then, would it not?"

Senator Clarke: "If you adopt the constitutional amendment that, of course, would supersede any contrary statute."

Senator Talley: "But this bill that we are voting on now would change it?"

Senator Clarke: "This bill would make the law as Senator Woody has stated, to permit non-lawyer part-time district court judges in certain classes of counties. As I recall the judicial article, it would in effect relate that only as to those who held office at the time the judicial article was adopted and from that time on future non-lawyers could not act as judge. Now that is simply my recollection. I could very easily refer to the draft and be more accurate."

Senator Talley: "Then, do I understand any of our municipal court judges now would not be affected by this then?"

Senator Clarke: "That is correct, yes."

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 162, and the bill passed the Senate by the following vote: Yeas, 37; nays, 4; absent or not voting, 4; excused, 4.

Voting yea: Senators Bailey, Beck, Bluechel, Bottiger, Buffington, Clarke, Cun-

ningham, Day, Donohue, Fleming, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, McDermott, Morrison, Odegaard, Peterson, Pullen, Rasmussen, Sandison, Scott, Stortini, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Woody—37.

Voting nay: Senators Benitz, Marsh, North, Talley—4.

Absent or not voting: Senators Matson, Newschwander, Ridder, Wanamaker—4.

Excused: Senators Francis, Keefe, Murray, Sellar—4.

HOUSE BILL NO. 162, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator McDermott, Substitute House Bill No. 867 will be considered following House Bill No. 1051.

MOTION

On motion of Senator McDermott, the Senate commenced consideration of House Bill No. 1051.

SECOND READING

HOUSE BILL NO. 1051, by Representatives Martinis, Jastad and Schumaker:

Permitting investments of certain state game funds.

The bill was read the second time by sections.

On motion of Senator Peterson, the rules were suspended, House Bill No. 1051 was advanced to third reading, the second 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. 1051, and the bill passed the Senate by the following vote: Yeas, 41; absent or not voting, 4; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Goltz, Gould, Guess, Henry, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Wilson, Woody—41.

Absent or not voting: Senators Grant, Herr, Newschwander, Washington—4.

Excused: Senators Francis, Keefe, Murray, Sellar—4.

HOUSE BILL NO. 1051, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator McDermott, the Senate commenced consideration of Substitute House Bill No. 867.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 867, by Committee on Ways and Means (originally sponsored by Representatives Bagnariol and Shinoch:

Appropriating funds for the Washington Future Program.

REPORT OF STANDING COMMITTEE

May 20, 1975.

SUBSTITUTE HOUSE BILL NO. 867, appropriating funds for the Washington Future Program (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, strike everything after the enacting clause and insert the following:

“NEW SECTION. Section 1. The proceeds from repayment of any loans made for agricultural water supply facilities and the interest earned from such loans, any gifts, grants, or other funds provided to the state for agricultural water supply facilities, and any interest earned on the interim investment of such funds or proceeds shall be deposited in the state and local improvements revolving account—water supply facilities and shall be used exclusively for agricultural water supply facilities.

NEW SECTION. Sec. 2. The department of ecology is authorized to make loans or grants or combinations thereof for the Second Bacon Siphon and Tunnel with the intent of recovering such funds to the extent feasible. With respect to loans, if any, approved for such purpose, interest rates shall not exceed that interest rate incurred by the state in its most recent sale of general obligation bonds to finance water supply facilities in accordance with this chapter. Such loans, if any, shall be repaid over a period not to exceed fifty years. The director of the department of ecology or his designee is authorized to make contractual agreements in accordance with provisions of this section on behalf of the state of Washington. Contractual agreements may include provisions to secure such loans. No contractual agreement authorized by this section shall be executed by the department of ecology without the review and approval by the department of the project plans and the concurrence of the technical advisory committee of the project plans and contractual agreements.

NEW SECTION. Sec. 3. The department of ecology is authorized to make loans or grants or combinations thereof to eligible public bodies as defined in RCW 43.83B.050 for rehabilitation or betterment of agricultural water supply facilities, and/or construction of agricultural water supply facilities required to develop new irrigated lands. The department of ecology may make such loans or grants or combinations thereof as matching funds in any case where federal, local, or other funds have been made available on a matching basis. A loan or combination loan and grant shall not exceed fifty percent of the approved eligible project costs for any single proposed project. Any grant or grant portion of a combination loan and grant for any single proposed project shall not exceed fifteen percent of the eligible project costs.

NEW SECTION. Sec. 4. Loans or the loan portions of combination loans and grants shall be repayable with interest at rates established by the department of ecology and the technical advisory committee, but in no event shall the interest rates exceed that interest rate incurred by the state in its most recent sale of general obligation bonds to finance water supply facilities in accordance with this chapter. Such loans shall be repaid over a period not to exceed fifty years.

NEW SECTION. Sec. 5. In addition to the powers granted by sections 2 and 3 of this act, the director of the department of ecology or his designee is authorized to make contractual agreements in accordance with provisions of this chapter on behalf of the state of Washington. Contractual agreements shall include provisions to secure such loans, and shall assure the proper and timely payment of said loans or loan portions of combination loans and grants.

NEW SECTION. Sec. 6. There is hereby created a technical advisory committee whose purposes shall be to assist the department of ecology in:

- (1) Establishing criteria to determine project feasibility;
- (2) Reviewing and considering proposed projects for loans or grants or combinations thereof;
- (3) Developing criteria and standards based upon project feasibility for determining among potential projects those which will receive funding assistance;
- (4) Approving or disapproving projects for funding assistance; and
- (5) Establishing for each loan the rate of interest for use of loaned capital and determining the repayment period for each loan. No project shall be approved for funding without the concurrence of the technical advisory committee.

NEW SECTION. Sec. 7. The technical advisory committee created by section 6 of this act shall be composed of seven members as follows:

- (1) The director of the department of ecology or his appointed representative;

- (2) The director of the department of agriculture or his appointed representative;
- (3) One member designated by the Washington state association of irrigation districts;
- (4) One member designated by the Washington state reclamation association;
- (5) The dean of the college of agriculture, Washington state university, or his appointed representative;
- (6) One member designated by the Washington state association of soil conservation districts; and
- (7) One member, not a state employee, appointed by the director of the department of ecology, at or before the second meeting of the technical advisory committee, with concurrence of the majority of the technical advisory committee members. The term for such member shall be three years: PROVIDED, That such member may be reappointed with the concurrence of the majority of the technical advisory committee members.

The appropriate authorities of the United States bureau of reclamation, the United States soil conservation service, and the state office of program planning and fiscal management shall each be asked to designate one ex officio member who shall not be eligible to vote or be the technical advisory committee chairman. In addition, the president of the senate shall appoint one member of the senate from each major political party and the speaker of the house of representatives shall appoint one member of the house of representatives from each major political party who shall also serve as ex officio members who shall not be eligible to vote or be the technical advisory committee chairman. The members appointed by the president of the senate shall serve at the pleasure of the president of the senate and the members appointed by the speaker of the house of representatives shall serve at the pleasure of the speaker of the house of representatives. The members of the legislature, who serve as ex officio members, shall collect data for reports to the agricultural committees of the senate and house of representatives and for future legislative proposals, and shall be deemed engaged in legislative business while in attendance upon the business of the technical advisory committee and shall be limited to such allowances therefor as provided in chapter 43.03 RCW. Members of the technical advisory committee shall serve until replaced by their sponsoring entities, except for the member provided for in subsection (7) of this section.

The director of the department of ecology shall be responsible for calling the first meeting of the technical advisory committee and the director or his designee shall act as temporary chairman. At such meeting the committee shall elect its own chairman. Representatives of the departments of ecology and agriculture shall never be eligible to serve as chairman. Chairmen will serve one year terms. The committee shall have authority to establish its own rules and to set times and places of meetings. Staff support for the committee shall be provided by the department of ecology.

Members of the technical advisory committee who are not regular full time employees of a public agency or institution or elected members of the legislature shall serve without compensation but shall be reimbursed for travel and other expenses in the same manner as provided for state officials generally in chapter 43.03 RCW as now or hereafter amended.

NEW SECTION. Sec. 8. The department of ecology and the technical advisory committee shall develop criteria for project evaluation and shall submit them to the legislative budget committee. The legislative budget committee shall approve or disapprove the criteria as being within the intent of this chapter. Subsequently, the department of ecology and the technical advisory committee annually shall submit a report to the legislative budget committee for its review and comment.

NEW SECTION. Sec. 9. The department of ecology and the technical advisory committee shall establish and announce, with adequate public notice, both an application period and a schedule to consider proposed projects.

NEW SECTION. Sec. 10. Upon receiving applications the department of ecology shall determine whether all other available funds will be utilized to the maximum extent possible. Prior to any commitment of funds a feasibility report, for each proposed project shall be submitted to the department of ecology and the technical advisory

committee. This report shall contain sufficient data to demonstrate the project's engineering, economic, and financial feasibility. Any proposed project shall have a benefit-cost ratio greater than one in order to be economically feasible. Applications and supporting reports shall be evaluated on the basis of the established criteria.

NEW SECTION. Sec. 11. At least once a year the department of ecology and the technical advisory committee shall, through a competitive selection process, make a preliminary selection of those projects which will receive funding assistance. Within ninety days after the preliminary selection of the projects the department of ecology and the technical advisory committee, after providing adequate public notice to all interested parties, shall conduct a public hearing on the selected projects. After the public hearing the department of ecology and the technical advisory committee shall make the final selection of projects to be funded.

Proposed projects not selected for funding assistance may be considered during a subsequent funding period following petition by the applicants.

NEW SECTION. Sec. 12. Upon final selection of a project for funding assistance letters of intent may obligate appropriated funds subject to the execution of a contract within a period not to exceed two years from the date of the letter. Before a contractual agreement is made the department of ecology and the technical advisory committee must be satisfied that the nonstate share of any project financing has been assured.

NEW SECTION. Sec. 13. The department of ecology and the technical advisory committee shall consider requests from existing public bodies operating irrigation systems for emergency loans to assist in the repair or replacement of systems rendered inoperable or impaired by some natural disaster. The department of ecology and the technical advisory committee may make such loans: PROVIDED, That contractual agreements are provided to assure proper and timely repayment: PROVIDED FURTHER, That emergency loans must be necessary to insure the timely and adequate delivery of water for the current or ensuing irrigation season.

NEW SECTION. Sec. 14. In the course of considering applications under this chapter, the department of ecology shall make known to other state agencies possibilities which may arise to provide public benefits such as recreation or fish and wildlife enhancement in connection with proposed projects. Such agencies, including the department of ecology, are authorized to participate in said projects provided agency funds are made available to pay the full cost of their participation.

NEW SECTION. Sec. 15. Commitments and expenditures undertaken or incurred by the department of ecology for agricultural water supply facilities pursuant to this chapter prior to the effective date of this act shall not be subject to the provisions of sections 1 through 14 of this act.

NEW SECTION. Sec. 16. There is hereby appropriated to the department of ecology from the general fund — state and local improvements revolving account—water supply facilities (appropriated pursuant to chapter 128, Laws of 1972 ex. sess. — Referendum 27) for the biennium ending June 30, 1977, the sum of \$164,202, or so much thereof as shall be necessary, for administration and planning of agricultural water supply projects.

NEW SECTION. Sec. 17. 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. 18. Sections 1 through 15 of this act shall be added to chapter 43.83B RCW.

NEW SECTION. Sec. 19. 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, beginning on line 1 of the title after "Relating" strike the remainder of the title and insert "to agricultural water supply facilities; making designations of funds; setting forth guidelines; adding new sections to chapter 43.83B RCW; making an appropriation; and declaring an emergency."

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson,

Second Vice Chairman; Bailey, Clarke, Fleming, Jones, Marsh, Newschwander, Rasmussen, Scott, Washington.

The bill was read the second time by sections.

Senator Wilson moved adoption of the committee amendment.

On motion of Senator Wilson, the following amendment to the committee amendment was adopted:

On page 1, line 28, after "committee" insert ", created by section 6 of this act,".

Senator Marsh moved adoption of the following amendment to the committee amendment:

On page 1, section 2, line 20 of the committee amendment, strike "fifty" and insert "thirty".

POINT OF INQUIRY

Senator Lewis (Harry): "Would Senator Benitz yield to a question? Senator Benitz, as I understand Senator Marsh's amendment it would reduce the loan period from fifty years to thirty years. Can you tell me what the effect of this amendment would be in your judgment on irrigation projects that would be funded under the Washington Future Program?"

Senator Benitz: "Senator Lewis and members of the Senate, this simply cannot repay in a thirty-year period. Now that is not ample time. Many years ago most of our projects were written on forty years and then renegotiated to fifty years, so if you would make it thirty years it is just almost prohibitive to pay that much money back and as is proposed here, it may be subsidized interest or it may not be. It does not necessarily say subsidized interest. We have been very careful to make sure that interest is paid and it would be up to the legislature to decide if they are going to subsidize it, but I know of no reclamation project that you can do in thirty years."

POINT OF INQUIRY

Senator Marsh: "Would Senator Benitz yield to another question? Senator Benitz, I note in section 2 of the bill, line 17, that the interest rate shall not exceed the interest rate incurred by the state in its most recent sale of general obligation bonds to finance water supply facilities. I do not see anything in there that would allow the state to charge for its administrative costs over and above its bonding cost moneys. I further note later in the bill that you have a committee that sets the actual rate, so how can you say that those interest rates will not be subsidized?"

Senator Benitz: "Of course, the answer, if it is an irrigation district, it would be in most cases. That irrigation district would have to assume its own administrative costs once the act has been enacted, and that would take care of the expenses there. It is very evident in the bill that the state would not be reaping a profit on the interest but, as it is plainly stated, it can be at the amount of interest the state would pay. It could be less, but not necessarily so."

Debate ensued.

The motion by Senator Marsh failed and the amendment to the committee amendment was not adopted.

Senator Marsh moved adoption of the following amendment to the committee amendment:

On page 2, line 12, strike "fifteen" and insert "five".

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Wilson yield to a question? Senator Wilson, up to this time how have you financed the irrigation projects? Up until the time this bill is passed?"

Senator Wilson: "In a variety of ways. Irrigation traditionally in Washington State, as well as throughout the west, has been instituted by virtue of federal projects developed and instituted by the Bureau of Reclamation, usually federal money has played a significant role, portions of that money have been charged to the water users and prop-

erty owners, and in appropriate occasions portions have been charged off with respect to power development and so on, so it has been a combination of federal funds and repayment by water users which have substantially financed irrigation development in this state."

Senator Rasmussen: "And you have regular formed irrigation districts?"

Senator Wilson: "In many instances, yes."

Senator Rasmussen: "Then would it not seem reasonable that the amendment as offered by Senator Marsh which would put a reasonable control over the gift — I understand that they are giving the moneys of all of the people of the state to one small portion of the state, and all he is asking is that a reasonable limit be placed on this gift."

Senator Wilson: "In the first place, Senator Rasmussen, I would suggest that up to fifteen percent is not an unreasonable level. In the second place, I would remind you that the need for this legislation and the approval of Referendum 27 arose in large measure because of a changeabout in federal attitude toward irrigation development and a drying up, an essential drying up of federal moneys. Now things are beginning to change in Washington, D.C. and there is a certain loosening of that attitude, and to the extent that a state can demonstrate it is willing to invest or make available some of its own resources in irrigation improvements or development, this enhances the prospects of attracting federal funds which in many cases will still finance the majority of the projects."

Senator Rasmussen: "Thank you, Senator Wilson."

Further debate ensued.

POINT OF INQUIRY

Senator Marsh: "Would Senator Benitz yield to a question? Senator Benitz, what is the average size of one of these projects in dollars?"

Senator Benitz: "If you are talking about one of the federal projects, the Columbia Basin is the largest one in the state of Washington, and it could run up over half a billion dollars, over five hundred million. That would not even begin to start development. You could also be talking about some very, very small projects such as we do talk about in here where the DOE did grant a little less than one hundred thousand dollars grant as proposed for what we call the Snipes Mountain Irrigation District in the middle of the Yakima valley."

Senator Marsh: "What you are asking for is authorization that makes gifts of seventy-five million dollars or more, if you leave it in at fifteen, and if we drop it back to five percent that would cut it to a twenty-five million dollar gift or so."

Senator Benitz: "No, Senator Marsh, there are further limitations in the bill. It can only be up to a certain percent of it, so there is further limitation."

MOTION

On motion of Senator Wilson, Substitute House Bill No. 867, together with the pending committee amendment, as amended, and the pending amendment by Senator Marsh, was ordered held for further consideration on the next working day.

MOTION

On motion of Senator Odegard, Engrossed House Bill No. 350 was ordered held following consideration of Senate Bill No. 2965.

MOTION

On motion of Senator McDermott, the Senate commenced consideration of House Bill No. 1077.

SECOND READING

HOUSE BILL NO. 1077, by Representatives Martinis, Conner and Haussler:
Relating to the state building code.

The bill was read the second time by sections.

Senator Fleming moved adoption of the following amendment:

On page 1, line 7, after "70.87," insert "48.48, 18.20, 18.46, 18.51, 28A.02, 28A.04, 70.41, 70.62, 70.75, 70.108, 71.12, 74.15"

POINT OF INQUIRY

Senator Bluechel: "Would Senator Fleming yield to a question? Senator Fleming, the state building code is primarily the Uniform Building Code standard, and can you tell me — you mentioned nursing homes. What authority and what codes are nursing homes built under if this takes away the Uniform Building Code? You mentioned that this did not remove the duplication of authority."

Senator Fleming: "Not that they are not built under the building code, but under our building code there are some authorities that the fire marshal would have in terms of inspection and so forth, and whereas nursing homes are concerned, RCW 18.51.140; hospitals are RCW 70.41.080 and as relate to the state licensing authority and the state fire marshal inspecting those places, these are the authorities and we wanted to make sure that we were not giving that authority to the local authorities. It is not anything that where they are built down there, but it is due to fire inspection."

Senator Bluechel: "Senator Fleming, the question I still have is that when you delete these sections from the building code, which is what the bill does, you effectively take out all of the building code and we are not talking about the fire marshal's code. For instance, let me go one step further. Chapter 70.77 is the state fireworks law. Where is the duplication of authority between the state building code and the state fireworks law?"

Senator Fleming: "First of all, when we passed the building code last time, these RCW's should have been eliminated. We did not eliminate them. That was a mistake and as it is now, the state fire marshal has certain authorities as relates to fireworks. What we are saying by this here is that the state building code would not relate to those areas so we are not saying at this point in time that the local authorities would have those authorities that the fire marshal has as relates to fireworks."

Senator Bluechel: "Fine. You are referring specifically, Senator Fleming, in this bill then, as I understand it, you are referring specifically that these provisions of the various chapters are not to be duplicated by the fire code section and not the building code section. I am not sure whether that is completely clear within the bill."

Senator Fleming: "What we are saying is that, for instance, in fire fighting equipment and standardization, the duties of the fire marshal relative to that RCW, he still has the same authority that he had before and the local government units are not taking over those authorities. That is what we are saying."

Senator Woody: "Mr. President and Senator Bluechel, all this does, it does not say that as to nursing homes the Uniform Building Code does not apply. It just says that the provisions in the nursing home code and in the other sections that relate to the state fire marshal are not impliedly repealed by the subsequent enactment of the state building code. There is an Attorney General Opinion dated February 28, 1975, that says as to the safety glazing material act, that its provisions were impliedly repealed wherein they were inconsistent with the provisions of the subsequent state building code, and that is all this does."

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

Senator Matson moved adoption of the following amendment:

On page 1, line 9 insert a section as follows:

"Section 2. Sec. 6, chapter 96, Laws of 1974 1st ex. sess. and RCW 19.27.060 are each amended to read as follows:

(1) Except as permitted or provided otherwise under the provisions of RCW 19.27.040 and subsections (3) and (4) of this section, the state building code supersedes all county, city or town building regulations containing less than the minimum performance standards and objectives contained in the state building code.

(2) Except as permitted or provided otherwise under the provisions of RCW

19.27.040 and subsections (3) and (4) of this section, the state building code shall be applicable to all buildings and structures including those owned by the state or by any other governmental subdivision.

(3) The governing body of each city, town or county may limit the application of any rule or regulation or portion of the state building code to include or exclude specified classes or types of buildings or structures, according to use, occupancy, or such other distinctions as may make differentiation or separate classification or regulation necessary, proper, or desirable: *PROVIDED, That in no event shall fruits or vegetables of the tree or vine stored in buildings or warehouses, constitute combustible stock for the purposes of application of the uniform fire code.*

(4) The provisions of this chapter shall not apply to any building four or more stories high with an F occupancy as defined by the uniform building code, chapter 6, 1973 edition, and with a fire insurance classification rating of 1, 2, or 3 as defined by a recognized fire rating bureau or organization."

POINT OF INQUIRY

Senator Fleming: "Would Senator Matson yield to a question? Senator Matson, as I look at this I have some question but I am not sure exactly what you are getting at, other than the fact of some of the things you mentioned, so you are saying the intent of this amendment is mainly to exempt those cold storage facilities where the requirement is fifteen feet or higher?"

Senator Matson: "Exempt them from the provision of having to have automatic sprinkler systems. It is pretty difficult to burn green vegetables in a cold storage plant, and obviously any fresh or green vegetables or fruits are going to be in a cold storage plant and the humidity level in all of those plants is extremely high. Otherwise the fruit or vegetable wilts and it is of no value."

MOTION

On motion of Senator Fleming, House Bill No. 1077, as amended, and the pending amendment by Senator Matson, was ordered held for further consideration on the next working day.

MOTION

On motion of Senator McDermott, Senate Bill No. 2965 was ordered placed at the end of today's calendar.

MOTION

On motion of Senator McDermott, the Senate commenced consideration of Engrossed Substitute House Bill No. 164.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 164, by Committee on Transportation and Utilities (originally sponsored by Representatives Perry, Berentson, Martinis, Gilleland, Hansen, Patterson, McCormick, Ceccarelli, Clemente, Dunlap, Bender, Conner and Gaines):

Creating a department of transportation.

REPORT OF STANDING COMMITTEE

May 28, 1975.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 164, creating a department of transportation (reported by Committee on Transportation and Utilities):

Recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"*NEW SECTION.* Section 1. There is added to Title 47 RCW a new section to read as follows:

The legislature hereby recognizes the following imperative needs within the state: To create a state-wide transportation development plan which identifies present status and sets goals for the future; to coordinate and centralize the regulation, licensing, and taxation of transportation modes; to promote and protect land use programs required in state and federal law; to coordinate transportation with the economic development of the state; to supply a broad framework in which regional, metropolitan, and local transportation needs can be related; to facilitate the supply of federal and state aid to those areas which will most benefit the state as a whole; to provide for more effective public involvement in the transportation planning and development process; to administer programs within the jurisdiction of this title relating to the safety of the state's transportation systems; and to coordinate and implement national transportation policy with the state transportation planning program.

The legislature finds and declares that placing all elements of transportation in a single department is fully consistent with and shall in no way impair the use of moneys in the motor vehicle fund exclusively for highway purposes.

Through this chapter, a unified department of transportation is created. To the jurisdiction of this department will be transferred the present powers, duties, and functions of the department of highways, the highway commission, and the toll bridge authority.

NEW SECTION. Sec. 2. There is added to Title 47 RCW a new section to read as follows:

As used in this title unless the context indicates otherwise:

(1) "Department" means the department of transportation created in section 3 of this 1975 amendatory act;

(2) "Commission" means the transportation commission created in section 5 of this 1975 amendatory act;

(3) "Secretary" means the secretary of transportation as provided for in section 4 of this 1975 amendatory act.

NEW SECTION. Sec. 3. There is added to Title 47 RCW a new section to read as follows:

(1) There is created a department of state government to be known as the department of transportation.

(2) All powers, duties, and functions vested by law in the department of highways, the state highway commission, the director of highways, and the Washington toll bridge authority are transferred to the jurisdiction of the department, except those powers, duties, and functions which are expressly directed elsewhere in this or in any other act of the 1975 legislature.

(3) The urban arterial board is transferred to the jurisdiction of the department for its administration.

NEW SECTION. Sec. 4. There is added to Title 47 RCW a new section to read as follows:

From a list of three names submitted by the governor, the state transportation commission shall select and appoint the secretary of the department of transportation, who shall thereafter be an ex officio member of the commission without a vote. He shall be the chief executive officer of the commission responsible only to it, and shall be guided by policies established by it. He shall direct all activities and supervise the work of the staff of the department. The secretary may be relieved of his duties only for cause of incapacity, incompetence, neglect of duty, or malfeasance in office, by majority vote of the commission.

NEW SECTION. Sec. 5. There is added to chapter 13, Laws of 1961 and to chapter 47.01 RCW a new section to read as follows:

There is hereby created a transportation commission, which shall consist of seven members appointed by the governor, with the consent of the senate. Not more than four members shall reside on the same side of the Cascade mountains, and no two members of the commission shall reside in the same county. The present five members of the highway commission shall serve as five initial members of the transportation commission until their terms of office as highway commission members would have expired.

The additional two members provided herein for the transportation commission shall be appointed for initial terms to expire on June 30, 1976, and June 30, 1981, respectively. Thereafter all terms shall be for six years. No elective state official or state officer or state employee shall be a member of the commission. Not more than four members of the commission shall at the time of appointment or thereafter during their respective terms of office be members of the same major political party. No commissioner shall be removed from office by the governor before the expiration of his term unless for cause of incapacity, incompetence, neglect of duty, or malfeasance in office or for a disqualifying change of residence.

NEW SECTION. Sec. 6. There is added to chapter 13, Laws of 1961 and to chapter 47.01 RCW a new section to read as follows:

The commission shall meet at such times as it deems advisable but at least once every thirty days. It may adopt its own rules and regulations and may establish its own procedure. It shall act collectively in harmony with recorded resolutions or motions adopted by majority vote of at least four members. The commission may appoint an administrative secretary, and shall elect one of its members chairman for a term of one year. The chairman shall be able to vote on all matters before the commission.

Each member of the commission shall receive compensation of forty dollars per day for each day actually spent in the performance of his duties and travel expenses in accordance with RCW 43.03.050 and RCW 43.03.060 as now existing or hereafter amended, incurred in the discharge of such duties as may be requested of him by a majority vote of the commission or by the secretary of transportation, but in no event shall a commissioner be compensated in any year for more than one hundred twenty days, except the chairman of the commission who may be paid compensation for not more than one hundred fifty days.

NEW SECTION. Sec. 7. There is added to chapter 13, Laws of 1961 and to chapter 47.01 RCW a new section to read as follows:

The transportation commission shall have the following functions, powers, and duties:

(1) To propose policies to be adopted by the legislature designed to assure the development and maintenance of a comprehensive and balanced state-wide transportation system which will meet the needs of the people of this state for safe and efficient transportation services. Wherever appropriate the plan shall provide for the use of integrated, intermodal transportation systems to implement the social, economic, and environmental policies, goals, and objectives of the people of the state, and especially to conserve nonrenewable natural resources including land and energy. To this end the commission shall:

(a) Develop transportation policies which are based on the policies, goals, and objectives expressed and inherent in existing state laws and as adopted by state agencies;

(b) Inventory the adopted policies, goals, and objectives of the local and area-wide governmental bodies of the state and define the role of the state, regional, and local governments in determining transportation policies, in planning, and in implementing the state transportation plan;

(c) Propose a transportation policy for the state, and after notice and public hearings, submit the proposal to the legislative transportation committee and the senate and house transportation and utilities committees by January 1, 1976, for consideration in the next legislative session;

(d) Establish a procedure for review and revision of the state transportation policy, for submission of proposed changes to the legislature, and for the amendment of the state transportation policy by the legislature;

(2) To establish the policy of the department to be followed by the secretary of transportation on each of the following items:

(a) To provide for the effective coordination of state transportation planning with national transportation policy, state and local land use policies, and local and regional transportation plans and programs;

(b) To provide for effective public involvement in transportation designed to elicit

the public's views both with respect to adequate transportation services and appropriate means of minimizing adverse social, economic, environmental, and energy impact of transportation programs;

(c) To provide for the administration of grants in aid and other financial assistance to counties and municipal corporations for transportation purposes;

(d) To provide for the management, sale, and lease of property or property rights owned by the department which are not required for transportation purposes;

(3) To direct the secretary to prepare and submit to the commission a comprehensive and balanced state-wide transportation plan which shall be based on the transportation policy adopted by the legislature and applicable state and federal laws. After public notice and hearings, the commission shall adopt the plan and submit it to the legislative transportation committee and to the house and senate standing committees on transportation and utilities before January 1, 1978, for consideration in the next legislative session. The plan shall be reviewed and revised at the next regular session of the legislature and biennially thereafter;

(4) To approve and propose to the governor and to the legislature prior to the convening of each regular session a recommended budget for the operation of the department and for carrying out the program of the department for the ensuing biennium. The proposed budget shall separately state the appropriations to be made from the motor vehicle fund for highway purposes in accordance with constitutional limitations and appropriations and expenditures to be made from the general fund and other available sources for other operations and programs of the department;

(5) To review and authorize all departmental requests for legislation;

(6) To approve the issuance and sale of all bonds authorized by the legislature for capital construction of state highways, toll facilities, Columbia Basin county roads (for which reimbursement to the motor vehicle fund has been provided), and urban arterial projects;

(7) To adopt such rules, regulations, and policy directives as may be necessary to carry out reasonably and properly those functions expressly vested in the commission by statute;

(8) To delegate any of its powers to the secretary of transportation whenever it deems it desirable for the efficient administration of the department and consistent with the purposes of this title;

(9) To exercise such other specific powers and duties as may be vested in the transportation commission by this or any other provision of law.

NEW SECTION. Sec. 8. There is added to Title 47 RCW a new section to read as follows:

There is created within the department of transportation a division of public transportation which shall be responsible for coordinating state, regional, and local transportation planning in cooperation with (1) regional planning agencies created pursuant to chapter 36.64 and 36.70 RCW, (2) cities and counties, (3) metropolitan municipal corporations, (4) port districts operating either ports for water shipping or airports, and (5) public transportation benefit area authorities. The public transportation division shall further be responsible for administering transportation planning and research grants to regional agencies and to cities and counties. The public transportation division shall have primary responsibility for coordinating the development of balanced transportation plans including, as appropriate, state highways, city and county arterials, and bus and rail transit within the state.

NEW SECTION. Sec. 9. There is added to Title 47 RCW a new section to read as follows:

The secretary may appoint a deputy secretary as may be needed for the performance of the duties and functions vested in the department. The secretary may delegate to officers within the several divisions of the department authority to employ personnel necessary to discharge the responsibilities of the department.

NEW SECTION. Sec. 10. There is added to Title 47 RCW a new section to read as follows:

The secretary may establish such advisory councils as are necessary to carry out the

purposes of section 1 of this 1975 amendatory act, and to insure adequate public participation in the planning and development of transportation facilities. Members of such councils shall serve at the pleasure of the secretary and may receive per diem and necessary expenses, in accordance with RCW 43.03.050 and 43.03.060, as now or hereafter amended.

NEW SECTION. Sec. 11. There is added to Title 47 RCW a new section to read as follows:

The secretary shall have the authority and it shall be his duty, subject to policy guidance from the commission:

(1) To serve as chief executive officer of the department with full administrative authority to direct all its activities;

(2) To organize the department as he may deem necessary to carry out the work and responsibilities of the department effectively;

(3) To designate and establish such transportation district or branch offices as may be necessary or convenient, and to appoint assistants and delegate any of his powers, duties, and functions to them or any officer or employee of the department as he deems necessary to administer the department efficiently;

(4) To direct and coordinate the programs of the various divisions of the department to assure that they achieve the greatest possible mutual benefit, produce a balanced overall effort, and eliminate unnecessary duplication of activity;

(5) To adopt all department rules which are subject to the adoption procedures contained in the state administrative procedure act except rules subject to adoption by the commission pursuant to statute;

(6) To maintain and safeguard the official records of the department, including the commission's recorded resolutions and orders;

(7) To provide full staff support to the commission to assist it in carrying out its functions, powers, and duties and to execute the policy established by the commission pursuant to its legislative authority;

(8) To exercise all other powers and perform all other duties as are now or hereafter provided by law.

NEW SECTION. Sec. 12. There is added to Title 47 RCW a new section to read as follows:

(1) All employees and personnel of the department of highways, the highway commission, and the toll bridge authority shall, on July 1, 1975, be transferred to the jurisdiction of the department of transportation. All employees classified under chapter 41.06 RCW, the state civil service law, shall be assigned to the department to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with bargaining agreements and the laws and rules governing the state merit system.

(2) Any officer or employee of any of the agencies mentioned hereinabove who holds an exempt position with his agency and who previously held permanent status in a classified position shall on or after July 1, 1975, have a right of reversion to the highest class of position previously held, and may continue his employment in the department of transportation at such class of position subject to any action that may be appropriate thereafter in accordance with the laws and rules governing the state merit system.

NEW SECTION. Sec. 13. The lawfully adopted rules and regulations of the Washington state highway commission and the Washington toll bridge authority in effect on June 30, 1975, shall continue to have full force and effect and be applicable until superseded by, or repealed by, rules and regulations lawfully adopted by the secretary of transportation or the transportation commission as provided in sections 7 and 11 of this 1975 amendatory act.

NEW SECTION. Sec. 14. If on the effective date of this 1975 amendatory act, any exempt position has not been filled by appointment, the person serving in the comparable exempt position, if any, in an agency whose functions are by section 3 of this 1975 amendatory act transferred to the department of transportation shall fill such exempt position until a permanent appointment thereto has been made.

NEW SECTION. Sec. 15. Nothing in this 1975 amendatory act shall be construed

to affect any existing rights acquired under the sections amended or repealed herein except as to the governmental agencies referred to and their officials and employees, nor as affecting any actions, activities, or proceedings validated thereunder, nor as affecting any civil or criminal proceedings instituted thereunder, nor any rule, regulation, resolution, or order promulgated thereunder, nor any administrative action taken thereunder; and neither the abolition of any agency nor any transfer of powers, duties, and functions as provided herein, shall affect the validity of any act performed by such agency or any officer thereof prior to the effective date of this 1975 amendatory act.

NEW SECTION. Sec. 16. Nothing contained in this 1975 amendatory act shall be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until any such agreement has expired.

NEW SECTION. Sec. 17. All reports, documents, surveys, books, records, files, papers, or other writings in the possession of the department of highways, the highway commission, and the toll bridge authority shall be delivered on the effective date of this 1975 amendatory act, to the custody of the department of transportation.

All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed in carrying out the powers, duties, and functions transferred to the department of transportation by section 3 of this 1975 amendatory act shall be made available on the effective date of this 1975 amendatory act, to the department. All funds, credits, or other assets held in connection with the functions so transferred shall by such time be assigned to the department of transportation.

Any appropriations heretofore made to the department of highways, the highway commission, and the toll bridge authority for the purpose of carrying out the powers, duties, and functions transferred in section 3 of this 1975 amendatory act, shall on the effective date of this 1975 amendatory act, be so transferred and credited to the department of transportation for the purpose of carrying out such transferred powers, duties, and functions.

Whenever any question arises as to the transfer of any funds including unexpended balances within any accounts, books, documents, records, papers, files, equipment, or any other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred under section 3 of this 1975 amendatory act, the director of the office of program planning and fiscal management or his successor shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

NEW SECTION. Sec. 18. All state officials required to maintain contact with or provide services for any of the departments or agencies whose functions are transferred by section 3 of this 1975 amendatory act shall continue to perform such services for the department of transportation unless otherwise directed by this title.

NEW SECTION. Sec. 19. While any bonds, whether definitive, temporary, or interim, or warrants, certificates, or receipts of any denomination, with or without coupons attached heretofore issued by the toll bridge authority, the highway commission, or any of the other agencies whose functions are transferred to the department of transportation by section 3 of this 1975 amendatory act, remain outstanding, the powers and duties relating thereto of such agencies or of any official or employee thereof transferred by section 12 of this 1975 amendatory act to the department of transportation, or any powers and duties of any other state official or state agency with respect to such bonds, warrants, certificates, or receipts shall not be diminished or impaired in any manner that will adversely affect the interests and rights of the holders of such bonds, warrants, certificates, or receipts. The holder of any such bonds, warrant, certificate, or receipt may by mandamus or other appropriate proceeding require the performance by the department of transportation, or other appropriate state official or agency, of any of the duties heretofore imposed upon any state department, official or employee under the terms of any such prior bond, warrant, certificate, or receipt agreement or sale: PROVIDED, That the enumeration of such rights and remedies herein shall not be deemed to exclude the exercise or prosecution of any other rights or remedies by the holders of such bonds, warrants, certificates, or receipts.

Sec. 20. Section 1, chapter 11, Laws of 1971 and RCW 43.17.010 are each amended to read as follows:

There shall be departments of the state government which shall be known as (1) the department of social and health services, (2) the department of ecology, (3) the department of labor and industries, (4) the department of agriculture, (5) the department of fisheries, (6) the department of game, (7) the department of [highways] *transportation*, (8) the department of motor vehicles, (9) the department of general administration, (10) the department of commerce and economic development, and (11) the department of revenue, which shall be charged with the execution, enforcement, and administration of such laws, and invested with such powers and required to perform such duties, as the legislature may provide.

Sec. 21. Section 2, chapter 11, Laws of 1971 and RCW 43.17.020 are each amended to read as follows:

There shall be a chief executive officer of each department to be known as: (1) The secretary of social and health services, (2) the director of ecology, (3) the director of labor and industries, (4) the director of agriculture, (5) the director of fisheries, (6) the director of game, (7) the [director of highways] *secretary of transportation*, (8) the director of motor vehicles, (9) the director of general administration, (10) the director of commerce and economic development, and (11) the director of revenue.

Such officers, except the [director of highways] *secretary of transportation* and the director of game, shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. If a vacancy occurs while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate, when he shall present to that body his nomination for the office. The [director of highways] *secretary of transportation shall be appointed by the [state highway] transportation commission as prescribed in section 4 of this 1975 amendatory act*, and the director of game shall be appointed by the game commission.

NEW SECTION. Sec. 22. There is added to Title 47 RCW a new section to read as follows:

Unless the language specifically indicates otherwise, or unless the context plainly requires a different interpretation:

Wherever in Title 47 RCW or in any provision in the Revised Code of Washington the term "Washington state highway commission", "the state highway commission", "the highway commission", "the commission" (when referring to the Washington state highway commission), "the department of highways", "Washington toll bridge authority", or "the authority" (when referring to the Washington toll bridge authority) is used, it shall mean the department of transportation created in section 3 of this 1975 amendatory act.

Wherever in Title 47 RCW or in any provision in the Revised Code of Washington the term "director of highways" is used, it shall mean the secretary of transportation, whose office is created in section 4 of this 1975 amendatory act.

NEW SECTION. Sec. 23. There is added to chapter 1.08 RCW a new section to read as follows:

For purposes of harmonizing and clarifying the provisions of the statute sections published in the Revised Code of Washington, the code reviser may substitute words designating the department of transportation or the secretary of transportation, as appropriate, whenever necessary to effect the changes in meaning provided for in section 22 of this 1975 amendatory act or any other act of the 1975 legislature.

NEW SECTION. Sec. 24. (1) The transportation commission through the secretary of transportation, and in conjunction with the legislative transportation committee and the house and senate transportation and utilities committees, shall immediately undertake a study of the proper funding of the department of transportation, the state transportation systems and the functions vested in the department. The study shall encompass alternative sources of funding of both highway and nonhighway functions of the department.

(2) The transportation commission through the secretary of transportation shall prepare a proposed budget for the operations of the department of transportation for the

biennium ending June 30, 1977, and in connection therewith shall obtain such data relating to the needs of the state transportation systems and functions as may be necessary.

(3) The transportation commission through the secretary of transportation shall present to the legislative transportation committee, the house and senate ways and means committees, and the house and senate transportation and utilities committees for their review not later than November 1, 1975, a preliminary budget including proposed alternative sources of funding for the department of transportation for the remainder of the biennium ending June 30, 1977.

NEW SECTION. Sec. 25. The chief of the Washington state patrol and the director of the department of motor vehicles are designated as official consultants to the transportation commission so that the goals and activities of the state patrol and the department of motor vehicles relating to traffic law enforcement, safety, and revenue collection are fully coordinated with other related responsibilities of the department of transportation. In this capacity, the chief of the Washington state patrol and the director of the department of motor vehicles shall consult with the transportation commission and the secretary of transportation on the traffic law enforcement, safety, and revenue collection implications and impacts of any proposed comprehensive transportation plan, program, or policy.

In order to develop fully integrated, balanced, and coordinated transportation plans, programs, and budgets the chief of the Washington state patrol and the director of the department of motor vehicles shall consult with the secretary of transportation on the matter of relative priorities during the development of their respective plans, programs, and budgets as they pertain to transportation activities. The secretary of transportation shall provide written comments to the governor and the legislature on the extent to which the final plans, programs, and budgets of the state patrol and the department of motor vehicles are compatible with the priorities established in the department of transportation's final plans, programs, and budgets.

Sec. 26. Section 47.01.070, chapter 13, Laws of 1961 and RCW 47.01.070 are each amended to read as follows:

In all situations wherein the director of highways *or any member of the highway commission or the toll bridge authority* was on [July 1, 1951] *the effective date of this 1975 amendatory act*, designated *or serving* as a member of any board, commission, committee, or authority, the [state highway commission] *secretary of transportation* shall hereafter determine who shall serve as such member.

Sec. 27. Section 46.44.080, chapter 12, Laws of 1961 as amended by section 1, chapter 15, Laws of 1973 2nd ex. sess. and RCW 46.44.080 are each amended to read as follows:

Local authorities with respect to public highways under their jurisdiction may prohibit the operation thereon of motor trucks or other vehicles or may impose limits as to the weight thereof, or any other restrictions as may be deemed necessary, whenever any such public highway by reason of rain, snow, climatic or other conditions, will be seriously damaged or destroyed unless the operation of vehicles thereon be prohibited or restricted or the permissible weights thereof reduced: PROVIDED, That whenever a highway has been closed generally to vehicles or specified classes of vehicles, local authorities shall by general rule or by special permit authorize the operation thereon of school buses, emergency vehicles, and motor trucks transporting perishable commodities or commodities necessary for the health and welfare of local residents under such weight and speed restrictions as the local authorities deem necessary to protect the highway from undue damage: PROVIDED FURTHER, That the governing authorities of incorporated cities and towns shall not prohibit the use of any city street designated by the [state highway] *transportation* commission as forming a part of the route of any primary state highway through any such incorporated city or town by vehicles or any class of vehicles or impose any restrictions or reductions in permissible weights unless such restriction, limitation, or prohibition, or reduction in permissible weights be first approved in writing by the [highway commission] *department of transportation*.

The local authorities imposing any such restrictions or limitations, or prohibiting

any use or reducing the permissible weights shall do so by proper ordinance or resolution and shall erect or cause to be erected and maintained signs designating the provisions of the ordinance or resolution in each end of the portion of any public highway affected thereby, and no such ordinance or resolution shall be effective unless and until such signs are erected and maintained.

The [highway commission] *department* shall have the same authority as hereinabove granted to local authorities to prohibit or restrict the operation of vehicles upon state highways[, which rules shall be administered by the department of highways]. The department [of highways] shall give public notice of closure or restriction. The [highway commission] *department* may [further authorize the department of highways to] issue special permits for the operation of school buses and motor trucks transporting perishable commodities or commodities necessary for the health and welfare of local residents under specified weight and speed restrictions as may be necessary to protect any state highway from undue damage.

Sec. 28. Section 46.44.090, chapter 12, Laws of 1961 and RCW 46.44.090 are each amended to read as follows:

The [state highway] *department of transportation, pursuant to rules adopted by the transportation commission* with respect to [primary and secondary] state highways and local authorities with respect to public highways under their jurisdiction may, upon application in writing and good cause being shown therefor, issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size, weight of vehicle or load exceeding the maximum specified in this chapter or otherwise not in conformity with the provisions of this chapter upon any public highway under the jurisdiction of the authority granting such permit and for the maintenance of which such authority is responsible.

No overweight permit shall be issued to any vehicle or combination of vehicles unless such vehicle or combination of vehicles is licensed for the maximum gross weight allowed by law.

Sec. 29. Section 46.44.091, chapter 12, Laws of 1961 as amended by section 30, chapter 281, Laws of 1969 ex. sess. and RCW 46.44.091 are each amended to read as follows:

No special permit shall be issued for movement on any [primary or secondary] state highway or route of *any* state [primary or secondary] highway within the limits of any city or town where the gross weight, including load, exceeds twenty-two thousand pounds on a single axle or forty-three thousand pounds on any group of axles having a wheelbase between the first and last axle thereof less than ten feet: PROVIDED, That the weight limitations pertaining to single axles may be exceeded to permit the movement of equipment operating upon single pneumatic tires having a rim width of twenty inches or more and a rim diameter of twenty-four inches or more or dual pneumatic tires having a rim width of sixteen inches or more and a rim diameter of twenty-four inches or more: PROVIDED FURTHER, That permits may be issued for weights in excess of the preceding limitations on highways or sections of highways which have been designed and constructed for weights in excess of such limitations; or these limitations may be rescinded when certification is made by military officials or by officials of public or private power facilities, when [in the opinion of the highway commission] *the department of transportation, pursuant to general rules adopted by the transportation commission, determines that such movement or action is a necessary movement or action*: PROVIDED FURTHER, That the structures and highway surfaces on the routes involved are determined to be capable of sustaining weights in excess of such limitations. Application shall be made in writing on special forms provided by the [highway commission] *department of transportation* and shall be submitted at least thirty-six hours in advance of the proposed movement.

Sec. 30. Section 46.44.092, chapter 12, Laws of 1961 as last amended by section 1, chapter 9, Laws of 1970 ex. sess. and RCW 46.44.092 are each amended to read as follows:

No special permit shall be issued for movement on any two lane state highway outside the limits of any city or town where the overall width of load exceeds fourteen feet,

or on any multiple lane state highway where the overall width of load exceeds thirty-two feet; except that on multiple lane state highways where a physical barrier serving as a median divider separates the oncoming and opposing traffic lanes, no special permit shall be issued for width in excess of twenty feet: PROVIDED, That (1) these width limitations may be exceeded on state highways where the latest available traffic figures show that the highway or section of highway carries less than one hundred vehicles per day: PROVIDED FURTHER, That in the case of buildings, the limitations referred to in this section for movement on any two lane state highway other than the national system of interstate and defense highways may be exceeded under the following conditions: (a) Uninterrupted vehicular traffic shall be maintained in one direction at all times; (b) maximum distance of movement shall not exceed five miles; additional contiguous permits shall not be issued to exceed the five-mile limit: PROVIDED, That when [in the opinion of the highway commission] *the department of transportation, pursuant to general rules adopted by the transportation commission, determines* a hardship would result, this limitation may be exceeded upon approval of the [commission] *department of transportation*; (c) prior to issuing a permit a qualified [highway] *transportation department* employee shall make a visual inspection of the building and route involved determining that the conditions listed herein shall be complied with and that structures or overhead obstructions may be cleared or moved in order to maintain a constant and uninterrupted movement; (d) special escort or other precautions may be imposed to assure movement is made under the safest possible conditions, and the Washington state patrol shall be advised when and where the movement is to be made; (2) permits may be issued for widths of vehicles in excess of the preceding limitations on highways or sections of highways which have been designed and constructed for width in excess of such limitations; (3) these limitations may be rescinded when certification is made by military officials or by officials of public or private power facilities, when in the opinion of the [highway commission] *department of transportation*, the movement or action is a necessary emergency movement or action: PROVIDED FURTHER, That the structures and highway surfaces on the routes involved are determined to be capable of sustaining widths in excess of such limitation; (4) these limitations shall not apply to farmers moving farm machinery between farms during daylight hours if the movement does not pass along and upon any [primary or secondary] state highway for a distance greater than one hundred miles, if properly patrolled and flagged; (5) these limitations shall not apply to movement during daylight hours on any two lane state highway where the gross weight, including load, does not exceed forty-five thousand pounds and the overall width of load does not exceed sixteen feet: PROVIDED, That the minimum and maximum speed of such movements, prescribed routes of such movements, the times of such movements, limitation upon frequency of trips (which limitation shall be not less than one per week), and conditions to assure safety to traffic may be prescribed by the [highway commission] *department of transportation* or local authority issuing such special permit.

The applicant for any special permit shall specifically describe the vehicle or vehicles and load to be operated or moved and the particular state highways for which permit to operate is requested and whether such permit is requested for a single trip or for continuous operation.

Sec. 31. Section 46.44.095, chapter 12, Laws of 1961 as last amended by section 1, chapter 76, Laws of 1974 ex. sess. and RCW 46.44.095 are each amended to read as follows:

When fully licensed to the maximum gross weight permitted under RCW 46.44.040, a two-axle truck or a three-axle truck operated as a solo unit and not in combination shall be eligible to carry gross weight in excess of that permitted for such a vehicle in RCW 46.44.040 upon the payment to the [state highway commission] *department of transportation* of a fee of thirty dollars for each one thousand pounds of excess weight: PROVIDED, That the axle loads of such vehicles shall not exceed the limits specified in RCW 46.44.040 and the tire limits specified in RCW 46.44.042 or the wheel-base requirements specified in RCW 46.44.044.

When fully licensed to a minimum gross weight of seventy-two thousand pounds a

three or more axle truck tractor and a three or more axle dromedary truck tractor, and a three or more axle truck, when operating in combination with another vehicle or vehicles (the licensed gross weight of which, if any, shall be included when computing the minimum gross weights set forth above), shall be eligible under special permits to be issued by the [state highway commission] *department of transportation* to carry additional gross loads beyond the licensed capacity of the combination of vehicles upon the payment of a fee based upon thirty dollars per year for each one thousand pounds of such additional gross weight but not to exceed one hundred and twenty dollars for the total additional weight: PROVIDED, That the axle loads of such vehicles shall not exceed the limits specified in RCW 46.44.040 and the tire limits specified in RCW 46.44.042; AND PROVIDED FURTHER, That the gross weight of a three or more axle truck operated in combination with a two or three-axle trailer shall not exceed seventy-six thousand pounds, and the gross weight for a three or more axle truck tractor operated in combination with a semitrailer shall not exceed seventy-three thousand two hundred eighty pounds except where the semitrailer is eligible to carry a gross load of thirty-six thousand pounds pursuant to the provisions of RCW 46.44.040, in which event the maximum gross weight of the combination shall not exceed seventy-six thousand pounds. The minimum additional tonnage to be purchased pursuant to this paragraph for a three or more axle tractor to be operated in combination with a semitrailer shall be not less than one thousand two hundred and eighty pounds. The permits provided for in the two preceding paragraphs shall be known as class A additional tonnage permits.

In addition to the gross weight purchased pursuant to RCW 46.16.070, 46.16.115, 46.44.037, and the foregoing provisions of this section and where, in the case of combinations of vehicles, the maximum gross weight permitted by law, including the preceding provisions of this section, has been purchased, a special permit for additional gross weight may be issued by the [state highway commission] *department of transportation* upon the payment of thirty-seven dollars and fifty cents per year for each one thousand pounds of such additional gross weight: PROVIDED, The tire limits specified in RCW 46.44.042 shall apply, and the gross weight on any single axle shall not exceed twenty thousand pounds and the gross load on any group of axles shall not exceed the following table:

Distance in
feet
between
the
extremes
of any
group of 2
or more
consecutive
axles

*Maximum load in pounds
carried on any group of 2
or more consecutive axles*

	2 axles	3 axles	4 axles	5 axles	6 axles	7 axles	8 axles	9 axles
4	34,000							
5	34,000							
6	34,000							
7	34,000							
8	34,000	42,000						
9	39,000	42,500						
10	40,000	43,500						
11		44,000						
12		45,000	50,000					
13		45,500	50,500					
14		46,500	51,500					
15		47,000	52,000					
16		48,000	52,500	58,000				

17	48,500	53,500	58,500			
18	49,500	54,000	59,000			
19	50,000	54,500	60,000			
20	51,000	55,500	60,500	66,000		
21	51,500	56,000	61,000	66,500		
22	52,500	56,500	61,500	67,000		
23	53,000	57,500	62,500	68,000		
24	54,000	58,000	63,000	68,500	74,000	
25	54,500	58,500	64,500	69,000	74,500	
26	55,500	59,500	65,000	69,500	75,000	
27	56,000	60,000	65,000	70,000	75,500	
28	57,000	60,500	65,500	71,000	76,500	82,000
29	57,500	61,500	66,000	71,500	77,000	82,500
30	58,500	62,000	66,500	72,000	77,500	83,000
31	59,000	62,500	67,500	72,500	78,000	83,500
32	60,000	63,500	68,000	73,000	78,500	84,500 90,000
33		64,000	68,500	74,000	79,000	85,000 90,500
34		64,500	69,000	74,500	80,000	85,500 91,000
35		65,500	70,000	75,000	80,500	86,000 91,500
36		66,000	70,500	75,500	81,000	86,500 92,000
37		66,500	71,000	76,000	81,500	87,000 93,000
38		67,500	72,000	77,000	82,000	87,500 93,500
39		68,000	72,500	77,500	82,500	88,500 94,000
40		68,500	73,000	78,000	83,500	89,000 94,500
41		69,500	73,500	78,500	84,000	89,500 95,000
42		70,000	74,000	79,000	84,500	90,000 95,500
43		70,500	75,000	80,000	85,000	90,500 96,000
44		71,500	75,500	80,500	85,500	91,000 96,500
45		72,000	76,000	81,000	86,000	91,500 97,500
46		72,500	76,500	81,500	87,000	92,500 98,000
47		73,500	77,500	82,000	87,500	93,000 98,500
48		74,000	78,000	83,000	88,000	93,500 99,000
49		74,500	78,500	83,500	88,500	94,000 99,500
50		75,500	79,000	84,000	89,000	94,500 100,000
51		76,000	80,000	84,500	89,500	95,000 100,500
52		76,500	80,500	85,000	90,500	95,500 101,000
53		77,500	81,000	86,000	91,000	96,500 102,000
54		78,000	81,500	86,500	91,500	97,000 102,500
55		78,500	82,500	87,500	92,000	97,500 103,000
56		79,500	83,000	87,500	92,500	98,000 103,500
57		80,000	83,500	88,000	93,000	98,500 104,000
58			84,000	89,000	94,000	99,000 104,500
59			85,000	89,500	94,500	99,500 105,000
60			85,500	90,000	95,000	100,500 105,500

Permits issued pursuant to the foregoing paragraph shall be known as class B additional tonnage permits.

The special permits provided for in this section shall be issued [under such rules and regulations and] upon such terms and conditions as may be prescribed by the [state highway] *department pursuant to general rules adopted by the transportation commission*. Such special permits shall entitle the permittee to carry such additional load in such an amount and upon such highways or sections of highways as may be determined by the [state highway commission] *department of transportation* to be capable of withstanding such increased gross load without undue injury to the highway: PROVIDED, That the permits shall not be valid on any highway where the use of such permits would deprive this state of federal funds for highway purposes.

The annual additional tonnage permits provided for in this section shall commence on the first of January of each year. The permits may be purchased at any time, and if

they are purchased for less than a full year, the fee shall be one-twelfth of the full fee multiplied by the number of months, including any fraction thereof, covered by the permit. When the department issues a duplicate permit to replace a lost or destroyed permit and where the department transfers a permit from one vehicle to another a fee of five dollars shall be charged for each such duplicate issued or each such transfer. The [state highway commission] *department of transportation* shall issue such special permits on a temporary basis for periods not less than ten days at a fee of one dollar per day in the case of class A permits and not less than five days at two dollars per day in the case of class B permits.

The fees levied in RCW 46.44.094 and this section shall not apply to any vehicles owned and operated by the state of Washington, any county within the state or any city or town or metropolitan municipal corporation within the state, or by the federal government.

In the case of fleets prorating license fees under the provisions of chapter 46.85 RCW the fees provided for in RCW 46.44.037 and 46.44.095 shall be computed by the [state highway commission] *department of transportation* by applying the proportion of the Washington mileage of the fleet in question to the total mileage of the fleet as reported pursuant to chapter 46.85 RCW to the fees that would be required to purchase the additional weight allowance for all eligible vehicles or combinations of vehicles for which the extra weight allowance is requested.

The [state highway commission] *department of transportation* shall prorate the fees provided in RCW 46.44.037 and 46.44.095 only if the name of the operator or owner is submitted on official listings of authorized fleet operators furnished by the department of motor vehicles. Listings furnished shall also include the percentage of mileage operated in Washington, which shall be the same percentage as determined by the department of motor vehicles, for purposes of prorating license fees.

Sec. 32. Section 2, chapter 16, Laws of 1963 as last amended by section 1, chapter 103, Laws of 1974 ex. sess. and RCW 46.61.405 are each amended to read as follows:

Whenever the [state highway commission] *secretary of transportation* shall determine upon the basis of an engineering and traffic investigation that any maximum speed hereinbefore set forth is greater than is reasonable or safe with respect to a state highway under the conditions found to exist at any intersection or upon any other part of the state highway system or at state ferry terminals, or that a general reduction of any maximum speed hereinbefore set forth would aid in the conservation of energy resources, [said commission] *the secretary* may determine and declare a *reasonable and safe* lower maximum limit or *lower maximum limit which will reasonably conserve energy resources*, for any state highway, the entire state highway system, or any portion thereof, which shall be effective when the appropriate signs giving notice thereof are erected. The [commission] *secretary* may also fix and regulate the speeds of vehicles on any state highway within the maximum speed limit allowed by this chapter for special occasions including, but not limited to, local parades and other special events. Any such maximum speed limit may be declared to be effective at all times or at such times as are indicated upon the said signs; and differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective (a) when posted upon appropriate fixed or variable signs or (b) if a maximum limit is established for auto stages which is lower than the limit for automobiles, the auto stage speed limit shall become effective thirty days after written notice thereof is mailed in the manner provided in subsection (4) of RCW 46.61.410, *as now or hereafter amended*.

Sec. 33. Section 3, chapter 16, Laws of 1963 as last amended by section 2, chapter 103, Laws of 1974 ex. sess. and RCW 46.61.410 are each amended to read as follows:

(1) Subject to subsection (2) below the [state highway commission] *secretary* may increase the maximum speed limit on any highway or portion thereof to not more than seventy miles per hour in accordance with the design speed thereof (taking into account all safety elements included therein), or whenever [said commission] *the secretary* determines upon the basis of an engineering and traffic investigation that such greater speed is reasonable and safe under the circumstances existing on such part of the

highway. The greater maximum limit so determined shall be effective, when appropriate signs giving notice thereof are erected, or if a maximum limit is established for auto stages which is lower than the limit for automobiles, the auto stage speed limit shall become effective thirty days after written notice thereof is mailed in the manner provided in subsection (4) of this section.

Such maximum speed limit may be declared to be effective at all times or at such times as are indicated upon said signs or in the case of auto stages, as indicated in said written notice; and differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective when posted upon appropriate fixed or variable signs or if a maximum limit is established for auto stages which is lower than the limit for automobiles, the auto stage speed limit shall become effective thirty days after written notice thereof is mailed in the manner provided in subsection(4) of this section.

(2) The maximum speed limit for vehicles over ten thousand pounds gross weight and vehicles in combination except auto stages shall not exceed sixty miles per hour and may be established at a lower limit by the [state highway commission] *secretary* as provided in RCW 46.61.405, *as now or hereafter amended*.

(3) The word "trucks" used by the [state highway commission] *department* on signs giving notice of maximum speed limits shall mean vehicles over ten thousand pounds gross weight and all vehicles in combination except auto stages.

(4) Whenever the [state highway commission] *secretary* shall establish maximum speed limits for auto stages lower than the maximum limits for automobiles, the secretary [of the state highway commission] shall [mail] *cause to be mailed* notice thereof to each auto transportation company holding a certificate of public convenience and necessity issued by the Washington utilities and transportation commission. The notice shall be mailed to the chief place of business within the state of Washington of each auto transportation company or if none then its chief place of business without the state of Washington.

Sec. 34. Section 4, chapter 16, Laws of 1963 as amended by section 3, chapter 103, Laws of 1974 ex. sess. and RCW 46.61.415 are each amended to read as follows:

(1) Whenever local authorities in their respective jurisdictions determine on the basis of an engineering and traffic investigation that the maximum speed permitted under [this act] *RCW 46.61.400 or 46.61.440* is greater or less than is reasonable and safe under the conditions found to exist upon a highway or part of a highway, the local authority may determine and declare a reasonable and safe maximum limit thereon which

- (a) Decreases the limit at intersections; or
- (b) Increases the limit but not to more than sixty miles per hour; or
- (c) Decreases the limit but not to less than twenty miles per hour.

(2) Local authorities in their respective jurisdictions shall determine by an engineering and traffic investigation the proper maximum speed for all arterial streets and shall declare a reasonable and safe maximum limit thereon which may be greater or less than the maximum speed permitted under RCW 46.61.400(2) but shall not exceed sixty miles per hour.

(3) The [state highway commission] *secretary of transportation* is authorized to establish speed limits on county roads and city and town streets as shall be necessary to conform with any federal requirements which are a prescribed condition for the allocation of federal funds to the state.

(4) Any altered limit established as hereinbefore authorized shall be effective when appropriate signs giving notice thereof are erected. Such maximum speed limit may be declared to be effective at all times or at such times as are indicated upon such signs; and differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective when posted upon appropriate fixed or variable signs.

(5) Any alteration of maximum limits on state highways within incorporated cities or towns by local authorities shall not be effective until such alteration has been approved by the [state highway commission] *secretary of transportation*.

Sec. 35. Section 6, chapter 16, Laws of 1963 as last amended by section 1, chapter 135, Laws of 1969 and RCW 46.61.425 are each amended to read as follows:

(1) No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law: PROVIDED, That a person following a vehicle driving at less than the legal maximum speed and desiring to pass such vehicle may exceed the speed limit, subject to the provisions of RCW 46.61.120 on highways having only one lane of traffic in each direction, at only such a speed and for only such a distance as is necessary to complete the pass with a reasonable margin of safety.

(2) Whenever the [state highway commission] *secretary of transportation* or local authorities within their respective jurisdictions determine on the basis of an engineering and traffic investigation that slow speeds on any part of a highway unreasonably impede the normal movement of traffic, the [commission] *secretary* or such local authority may determine and declare the minimum speed limit thereat which shall be effective when appropriate signs giving notice thereof are erected. No person shall drive a vehicle slower than such minimum speed limit except when necessary for safe operation or in compliance with law.

Sec. 36. Section 46.48.041, chapter 12, Laws of 1961 as amended by section 4, chapter 103, Laws of 1974 ex. sess. and RCW 46.61.430 are each amended to read as follows:

Notwithstanding any law to the contrary or inconsistent herewith, the [Washington state highway commission] *secretary of transportation* shall have the power and the duty to fix and regulate the speed of vehicles within the maximum speed limit allowed by law for state highways, designated as limited access facilities, regardless of whether a portion of said highway is within the corporate limits of a city or town. No governing body or authority of such city or town or other political subdivision may have the power to pass or enforce any ordinance, rule, or regulation requiring a different rate of speed, and all such ordinances, rules, and regulations contrary to or inconsistent therewith now in force are void and of no effect.

Sec. 37. Section 46.48.080, chapter 12, Laws of 1961 and RCW 46.61.450 are each amended to read as follows:

It shall be unlawful for any person to operate a vehicle or any combination of vehicles over any bridge or other elevated structure or through any tunnel or underpass constituting a part of any public highway at a rate of speed or with a gross weight or of a size which is greater at any time than the maximum speed or maximum weight or size which can be maintained or carried with safety over any such bridge or structure or through any such tunnel, or underpass when such bridge, structure, tunnel or underpass is sign posted as hereinafter provided. The [state highway commission] *secretary of transportation*, if it be a bridge, structure, tunnel, or underpass upon a state highway, or the governing body or authorities of any county, city, or town, if it be upon roads or streets under their jurisdiction, may restrict the speed which may be maintained or the gross weight or size which may be operated upon or over any such bridge or elevated structure or through any such tunnel or underpass with safety thereto. The [state highway commission] *secretary* or the governing body or authorities of any county, city, or town having jurisdiction shall determine and declare the maximum speed or maximum gross weight or size which such bridge, elevated structure, tunnel, or underpass can withstand or accommodate and shall cause suitable signs stating such maximum speed or maximum gross weight, or size, or either, to be erected and maintained on the right hand side of such highway, road, or street and at a distance of not less than one hundred feet from each end of such bridge, structure, tunnel, or underpass and on the approach thereto: PROVIDED, That in the event that any such bridge, elevated structure, tunnel, or underpass is upon a city street designated by the [state highway] *transportation* commission as forming a part of the route of any state highway through any such incorporated city or town the determination of any maximum speed or maximum gross weight or size which such bridge, elevated structure, tunnel, or underpass can withstand or accommodate shall not be enforceable at any speed, weight, or size less than the maximum allowed by law, unless with the approval in writing of the [state highway

commission] *secretary*. Upon the trial of any person charged with a violation of this section, proof of either violation of maximum speed or maximum weight, or size, or either, and the distance and location of such signs as are required, shall constitute conclusive evidence of the maximum speed or maximum weight, or size, or either, which can be maintained or carried with safety over such bridge or elevated structure or through such tunnel or underpass.

Sec. 38. Section 66, chapter 155, Laws of 1965 ex. sess. as amended by section 35, chapter 62, Laws of 1975 and RCW 46.61.570 are each amended to read as follows:

(1) Except when necessary to avoid conflict with other traffic, or in compliance with the law or the directions of a police officer or official traffic control device, no person shall:

(a) Stop, stand, or park a vehicle:

(i) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

(ii) On a sidewalk or street planting strip;

(iii) Within an intersection;

(iv) On a crosswalk;

(v) Between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the ends of a safety zone, unless official signs or markings indicate a different no-parking area opposite the ends of a safety zone;

(vi) Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;

(vii) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;

(viii) On any railroad tracks;

(ix) In the area between roadways of a divided highway including crossovers; or

(x) At any place where official signs prohibit stopping.

(b) Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:

(i) In front of a public or private driveway or within five feet of the end of the curb radius leading thereto;

(ii) Within fifteen feet of a fire hydrant;

(iii) Within twenty feet of a crosswalk;

(iv) Within thirty feet upon the approach to any flashing signal, stop sign, yield sign, or traffic control signal located at the side of a roadway;

(v) Within twenty feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five feet of said entrance when properly signposted; or

(vi) At any place where official signs prohibit standing.

(c) Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading property or passengers:

(i) Within fifty feet of the nearest rail of a railroad crossing; or

(ii) At any place where official signs prohibit parking.

(2) Parking or standing shall be permitted in the manner provided by law at all other places except a time limit may be imposed or parking restricted at other places but such limitation and restriction shall be by city ordinance or county resolution or order of the [state highway commission] *secretary of transportation* upon highways under their respective jurisdictions.

(3) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such a distance as is unlawful.

(4) It shall be unlawful for any person to reserve or attempt to reserve any portion of a highway for the purpose of stopping, standing, or parking to the exclusion of any other like person, nor shall any person be granted such right.

Sec. 39. Section 67, chapter 155, Laws of 1965 ex. sess. as amended by section 36, chapter 62, Laws of 1975 and RCW 46.61.575 are each amended to read as follows:

(1) Except as otherwise provided in this section, every vehicle stopped or parked upon a two-way roadway shall be so stopped or parked with the right-hand wheels par-

allel to and within twelve inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder.

(2) Except when otherwise provided by local ordinance, every vehicle stopped or parked upon a one-way roadway shall be so stopped or parked parallel to the curb or edge of the roadway, in the direction of authorized traffic movement, with its right-hand wheels within twelve inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder, or with its left-hand wheels within twelve inches of the left-hand curb or as close as practicable to the left edge of the left-hand shoulder.

(3) Local authorities may by ordinance or resolution permit angle parking on any roadway, except that angle parking shall not be permitted on any federal-aid or state highway unless the [state highway commission] *secretary of transportation* has determined by [resolution or] order that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

(4) The [state highway commission] *secretary* with respect to highways under [its] *his* jurisdiction may place official traffic control devices prohibiting, limiting, or restricting, the stopping, standing, or parking of vehicles on any highway where [in its opinion, as evidenced by resolution or] *the secretary has determined by order*, such stopping, standing, or parking is dangerous to those using the highway or where the stopping, standing, or parking of vehicles would unduly interfere with the free movement of traffic thereon. No person shall stop, stand, or park any vehicle in violation of the restrictions indicated by such devices.

Sec. 40. Section 46.68.120, chapter 12, Laws of 1961 as last amended by section 47, chapter 195, Laws of 1973 1st ex. sess. and RCW 46.68.120 are each amended to read as follows:

Funds to be paid to the counties of the state shall be subject to deduction and distribution as follows:

(1) Three-fourths of one percent of such sums shall be deducted monthly as such sums accrue and set aside for the use of the [state highway commission] *department of transportation* and the county road administration board for the supervision of work and expenditures of such counties on the county roads thereof, *including the supervision and administration of federal-aid programs for which the department of transportation has responsibility*: PROVIDED, That any moneys so retained and not expended shall be credited in the succeeding biennium to the counties in proportion to deductions herein made;

(2) All sums required to be repaid to counties composed entirely of islands shall be deducted;

(3) The balance remaining to the credit of counties after such deductions shall be paid to the several counties monthly, as such funds accrue, upon the basis of the following formula:

(a) Ten percent of such sum shall be divided equally among the several counties.

(b) Thirty percent shall be paid to each county in direct proportion that the sum of the total number of private automobiles and trucks licensed by registered owners residing in unincorporated areas and seven percent of the number of private automobiles and trucks licensed by registered owners residing in incorporated areas within each county bears to the total of such sums for all counties. The number of registered vehicles so used shall be as certified by the [director of the] *department of [motor vehicles] transportation* for the year next preceding the date of calculation of the allocation amounts. The [director of the] *department* shall first supply such information not later than the fifteenth day of February, 1956, and on the fifteenth of February each two years thereafter.

(c) Thirty percent shall be paid to each county in direct proportion that the product of the county's trunk highway mileage and its prorated estimated annual cost per trunk mile as provided in subsection (e) is to the sum of such products for all counties. County trunk highways are defined as county roads regularly used by school buses and/or rural free delivery mail carriers of the United States post office department, but not foot carriers. Determination of the number of miles of county roads used in each county by school buses shall be based solely upon information supplied by the superintendent of

public instruction who shall on October 1, 1955, and on October 1st of each odd-numbered year thereafter furnish the [state highway] *transportation* commission with a map of each county upon which is indicated the county roads used by school buses at the close of the preceding school year, together with a detailed statement showing the total number of miles of county highway over which school buses operated in each county during such year. Determination of the number of miles of county roads used in each county by rural mail carriers on routes serviced by vehicles during the year shall be based solely upon information supplied by the United States postal department as of January 1st of the even-numbered years.

(d) Thirty percent of such sum shall be paid to each of the several counties in the direct proportion that the product of the trunk highway mileage of the county and its "money need factor" as defined in subsection (f) is to the total of such products for all counties.

(e) Every four years, beginning with the 1958 allocation, the [highway] *transportation* commission and the legislative transportation committee shall reexamine or cause to be reexamined all the factors on which the estimated annual costs per trunk mile for the several counties have been based and shall make such adjustments as may be necessary. The following formula shall be used: One twenty-fifth of the estimated total county road replacement cost, plus the total annual maintenance cost, divided by the total miles of county road in such county, and multiplied by the result obtained from dividing the total miles of county road in said county by the total trunk road mileage in said county. For the purpose of allocating funds from the motor vehicle fund, a county road shall be defined as one established as such by resolution or order of establishment of the board of county commissioners. The first allocation of funds shall be based on the following prorated estimated annual costs per trunk mile for the several counties as follows:

Adams	\$1,227.00
Asotin	1,629.00
Benton	1,644.00
Chelan	2,224.00
Clallam	2,059.00
Clark	1,710.00
Columbia	1,391.00
Cowlitz	1,696.00
Douglas	1,603.00
Ferry	1,333.00
Franklin	1,612.00
Garfield	1,223.00
Grant	1,714.00
Grays Harbor	2,430.00
Island	1,153.00
Jefferson	2,453.00
King	2,843.00
Kitsap	1,938.00
Kittitas	1,565.00
Klickitat	1,376.00
Lewis	1,758.00
Lincoln	1,038.00
Mason	1,748.00
Okanogan	1,260.00
Pacific	2,607.00
Pend Oreille	1,753.00
Pierce	2,276.00
San Juan	1,295.00
Skagit	1,966.00
Skamania	2,023.00

Snohomish	2,269.00
Spokane	1,482.00
Stevens	1,068.00
Thurston	1,870.00
Wahkiakum	2,123.00
Walla Walla	1,729.00
Whatcom.	1,738.00
Whitman	1,454.00
Yakima	1,584.00

PROVIDED, HOWEVER, That the prorated estimated annual costs per trunk mile in this subsection shall be adjusted every four years, beginning with the 1958 allocation by the [highway] *transportation* commission on the basis of changes in the trunk and total county road mileage based on information supplied by the superintendent of public instruction, the United States postal department and the annual reports of the county road departments.

(f) The "money need factor" for each of the several counties shall be the difference between the prorated estimated annual costs as listed above and the sum of the following three amounts divided by the county trunk highway mileage:

(1) The equivalent of a two dollar and twenty-five cents per thousand dollars of assessed value tax levy on the valuation, as equalized by the state department of revenue for state purposes, of all taxable property in the county road districts;

(2) One-fourth the sum of all funds received by the county from the federal forest reserve fund during the two calendar years next preceding the date of the adjustment of the allocation amounts as certified by the state treasurer; and

(3) One-half the sum of motor vehicle license fees and motor vehicle fuel tax refunded to the county during the two calendar years next preceding the date of the adjustment of the allocation amounts as provided in RCW 46.68.080. These shall be as supplied to the [highway] *transportation* commission by the state treasurer for that purpose. The department of revenue and the state treasurer shall supply the information herein requested on or before January 1, 1956 and on said date each two years thereafter.

The following formula shall be used for the purpose of obtaining the "money need factor" of the several counties: The prorated estimated annual cost per trunk mile multiplied by the trunk miles will equal the total need of the individual county. The total need minus the sum of the three resources set forth in subsection (f) shall equal the net need. The net need of the individual county divided by the total net needs for all counties shall equal the "money need factor" for that county.

(g) The [state highway] *transportation* commission shall adjust the allocations of the several counties on March 1st of every even-numbered year based solely upon the sources of information hereinbefore required: PROVIDED, That the total allocation factor composed of the sum of the four factors defined in subsections (a), (b), (c), and (d) shall be held to a level not more than five percent above or five percent below the total allocation factor in use during the previous two year period.

(h) The [highway] *transportation* commission and the legislative transportation committee shall relog or cause to be relogged the total road mileages upon which the prorated estimated annual costs per trunk mile are based and shall recalculate such costs on the basis of such relogging and shall report their findings and recommendations to the legislature at its next regular session.

(i) The [highway] *transportation* commission and the legislative transportation committee shall study and report their findings and recommendations to the legislature concerning the following problems as they affect the allocation of "motor vehicle fund" funds to counties:

(1) Comparative costs per trunk mile based on federal aid contracts versus those herein advocated [.];

(2) Average costs per trunk mile [.];

(3) The advisability of using either "trunk mileage" or "county road" mileage exclusively as the criterion instead of both as in this plan adopted [.];

(4) Reassessment of bridge costs based on current information and relogging of bridges[.];

(5) The items in the list of resources used in determining the "need factor"[.];

(6) The development of a uniform accounting system for counties with regard to road and bridge construction and maintenance costs[.];

(7) A redefinition of rural and urban vehicles which better reflects the use of said vehicles on county roads.

Sec. 41. Section 2, chapter 173, Laws of 1963 as amended by section 2, chapter 39, Laws of 1969 ex. sess. and RCW 47.05.020 are each amended to read as follows:

The [state highway commission] *department of transportation* is hereby directed to conduct periodic analyses of the entire state highway system, and based thereon, to subdivide and classify according to their function and importance all designated state highways and those added from time to time other than the national system of interstate and defense highways and periodically review and revise the classifications, into the following additional four functional classes:

(2) The "major state highway system" which shall comprise not to exceed thirty-five percent of the total state highway mileage other than the interstate system[.];

(3) The "collector state highway system" which shall comprise not to exceed thirty-five percent of the total state highway mileage other than the interstate system[.];

(4) The "other state highway system".

In making such functional classification the [highway commission] *department* shall be governed by reasonable [rules and regulations] *policies* adopted by the commission, and give consideration to the following criteria:

(a) Urban population centers within and without the state stratified and ranked according to size;

(b) Important traffic generating economic activities, including but not limited to recreation, agriculture, government, business, and industry;

(c) Feasibility of route, including availability of alternate routes within and without the state;

(d) Directness of travel and distance between points of economic importance;

(e) Length of trips;

(f) Character and volume of traffic;

(g) Preferential consideration for multiple service;

(h) Reasonable spacing depending upon population density; and

(i) System continuity, except for the "other" system.

Sec. 42. Section 3, chapter 173, Laws of 1963 as last amended by section 4, chapter 12, Laws of 1973 2nd ex. sess. and RCW 47.05.030 are each amended to read as follows:

The [state highway commission] *department of transportation* shall adopt and periodically revise in accordance with the policies established by the transportation commission and after consultation with the legislative transportation committee and senate and house transportation and utilities committees a long range plan for highway improvements, specifying highway planning objectives to be accomplished within a fourteen year advance planning period, and within the framework of revenue estimates for such period. The plan shall be based upon the construction needs for state highways as determined and segregated according to functional class by the [highway commission] *department* from time to time.

With such reasonable deviations as may be required to effectively utilize the available funds and to adjust to unanticipated delays in programmed projects, the [highway commission] *department* shall allocate the estimated available funds, so as to carry out such rates of completion within a fourteen year advance planning period on that part of the national system of interstate and defense highways on which the federal government participates financially at the interstate rate under federal law and regulations, on the parts of the national system of interstate and defense highways on which federal aid participation is less than the regular interstate rate under federal law and regulations; and on the remaining four functional classes as the [highway commission] *department*, acting pursuant to [reasonable rules and regulations] *policies* adopted by the commis-

sion, shall determine to be necessary in order to maintain a balanced development of the state's highway system, considering primarily the following factors:

- (a) The relative remaining needs of each functional class of highways;
- (b) The estimated available funds;
- (c) Continuity of future developments with those previously programmed; and
- (d) Graduation of rates of completion according to functional class importance.

Sec. 43. Section 7, chapter 173, Laws of 1963 as amended by section 7, chapter 12, Laws of 1973 2nd ex. sess. and RCW 47.05.070 are each amended to read as follows:

The [state highway] *transportation* commission, with the assistance of the department, shall [prepare] *approve* and present to the governor and to the legislature [at the time of] *prior to* its convening, a recommended budget for the ensuing biennium. The biennial budget shall include details of proposed expenditures, performance and public service criteria for construction, maintenance, and planning activities in consonance with the six-year comprehensive program and financial plan adopted under provisions of RCW 47.05.040.

Sec. 44. Section 47.12.010, chapter 13, Laws of 1961 as amended by section 4, chapter 108, Laws of 1967 and RCW 47.12.010 are each amended to read as follows:

Whenever it is necessary to secure any lands or interests in land for a right of way for any state highway, or for the drainage thereof or construction of a protection therefor or so as to afford unobstructed vision therefor toward any railroad crossing or another public highway crossing or any point of danger to public travel or to provide a visual or sound buffer between highways and adjacent properties or for the purpose of acquiring sand pits, gravel pits, borrow pits, stone quarries, or any other land for the extraction of materials for construction or maintenance or both, or for any site for the erection upon and use as a maintenance camp, of any state highway, or any site for other necessary structures or for structures for the health and accommodation of persons traveling or stopping upon the state highways of this state, or any site for the construction and maintenance of structures and facilities adjacent to, under, upon, within, or above the right of way of any state highway for exclusive or nonexclusive use by an urban public transportation system, or for any other highway purpose, together with right of way to reach such property and gain access thereto, the [highway commission] *department of transportation* is authorized to acquire such lands or interests in land in behalf of the state by gift, purchase, or condemnation. In case of condemnation to secure such lands or interests in land, the action shall be brought in the name of the state of Washington in the manner provided for the acquiring of property for the public uses of this state, and in such action the selection of the lands or interests in land by the *164 highway commission secretary of transportation* shall, in the absence of bad faith, arbitrary, capricious, or fraudulent action, be conclusive upon the court and judge before which the action is brought that said lands or interests in land are necessary for public use for the purposes sought. The cost and expense of such lands or interests in land may be paid as a part of the cost of the state highway for which such right of way, drainage, unobstructed vision, sand pits, gravel pits, borrow pits, stone quarries, maintenance camp sites, and structure sites or other lands are acquired.

Sec. 45. Section 47.12.060, chapter 13, Laws of 1961 and RCW 47.12.060 are each amended to read as follows:

When a state highway is relocated and the old route is abandoned, and the new route crosses land owned by a person who owns land abutting on the old route, the [Washington state highway commission] *department* may agree with the owner to convey to him title to the old route or a part thereof as all or part consideration for his land to be taken for the new route.

Whenever the state has abandoned any highway rights of way, pit sites, or stock pile sites or owns land not needed for highway purposes, the [Washington state highway commission] *department* may sell same to abutting owners for the fair market value or exchange with any person as a consideration or part consideration for lands or property rights needed by the state, or may sell same by public auction whenever it is deemed in the public interest to do so.

The [Washington state highway commission shall certify the agreement to the gov-

error with a description of the property to be conveyed, the governor may execute and the secretary of state shall attest] *secretary of transportation shall execute the deed, which shall be duly acknowledged*, and deliver it to the grantee.

Sec. 46. Section 47.12.070, chapter 13, Laws of 1961 as amended by section 2, chapter 91, Laws of 1969 and RCW 47.12.070 are each amended to read as follows:

If the [Washington state highway commission] *department* deems that any land is no longer required for state highway purposes and that it is in the public interest so to do, [said highway commission] *the department* may negotiate for the sale of the land to a city or county of the state. [The state highway commission shall certify the agreement for the sale to the governor, with a description of the land and the terms of the sale, and the governor may execute and the secretary of the state shall attest] *If a sale is agreed to, the secretary of transportation shall execute the deed, which shall be duly acknowledged*, and deliver it to the grantee.

Any moneys received pursuant to the provisions of this section shall be deposited in the motor vehicle fund.

Sec. 47. Section 47.12.080, chapter 13, Laws of 1961 and RCW 47.12.080 are each amended to read as follows:

Whenever in the construction, reconstruction, location, or improvement of any state highway it may become necessary to transfer and convey to the United States, its agencies or instrumentalities, to any municipal subdivision of this state, or to any public utility company, any unused state highway right of way or real property, and in the judgment of the [highway commission] *secretary of transportation* and the attorney general, such transfer and conveyance is consistent with public interest, the [highway commission] *secretary* may enter into agreements accordingly. Whenever the [highway commission] *secretary* shall make any such agreement for any such transfer or conveyance, and [together with] the attorney general *concurs therein*, [certifies to the governor that such agreement has been made setting forth in such certification a description of the lands or premises involved, the governor may execute and the secretary of state shall attest] *the secretary shall execute and deliver unto the United States government, or its agencies or instrumentalities, unto any municipal subdivision of this state, or unto any public utility company, a duly acknowledged deed of conveyance, easement, or other instrument necessary to fulfill the terms of the aforesaid agreement. All moneys paid to the state of Washington under any of the provisions hereof shall be deposited in the motor vehicle fund.*

Sec. 48. Section 47.12.120, chapter 13, Laws of 1961 as amended by section 1, chapter 91, Laws of 1969 and RCW 47.12.120 are each amended to read as follows:

The [highway commission] *department* is authorized, subject to the provisions and requirements of zoning ordinances of political subdivisions of government, to rent or lease any lands, improvements, or air space above or below any lands, including those used or to be used for both limited access and conventional highways which are held for highway purposes but are not presently needed, upon such terms and conditions as the [highway commission] *department* may determine.

Sec. 49. Section 47.12.130, chapter 13, Laws of 1961 and RCW 47.12.130 are each amended to read as follows:

Whenever the [state] department [of highways] shall have title to any parcel of land *acquired for highway purposes* which the [state highway commission] *secretary of transportation* shall determine is not necessary for highway purposes, the [commission] *secretary of transportation* is authorized to [cause] *deed* such land [to be deeded] to the owner of land abutting upon such parcel in consideration, or partial consideration, for other lands owned by such property owner which the [highway commission] *department* deems to be necessary for highway purposes. [The governor is authorized to execute and the secretary of state shall attest the conveyances necessary to carry out such exchange.]

Sec. 50. Section 47.12.140, chapter 13, Laws of 1961 and RCW 47.12.140 are each amended to read as follows:

Whenever the [state highway] department shall have acquired any lands *for highway purposes*, except state granted lands, upon which are located any structures, timber, or other thing of value attached to the land, which the [state highway commis-

sion] *department* shall deem it best to sever from the land and sell as personal property, the same may be sold by the department [of highways] at public auction after due notice thereof shall have been given in accordance with general regulations [prescribed] *adopted* by the [state highway commission] *secretary*. The [state highway commission] *department* may set minimum prices that will be accepted for any item offered for sale at public auction as herein provided and may prescribe terms or conditions of sale and, in the event that any item shall be offered for sale at such auction and for which no satisfactory bids shall be received or for which the amount bid shall be less than the minimum set by the [commission] *department*, it shall be lawful for the [commission] *department* to sell such item at private sale for the best price which it deems obtainable but at not less than the highest price bid at the public auction. The proceeds of all sales under this section shall be placed in the motor vehicle fund.

Sec. 51. Section 47.12.150, chapter 13, Laws of 1961 and RCW 47.12.150 are each amended to read as follows:

Whenever the [highway commission] *department* shall need for highway purposes land or property rights belonging to the United States government or any municipality or political subdivision of the state, or which shall be a part of the right of way of any public utility having authority to exercise powers of eminent domain, when the acquisition of such property by the state will result in the displacement of any existing right of way or facility, the [state highway commission] *department* is authorized to acquire by condemnation or otherwise such lands and property rights as shall be needed to relocate such right of way or facilities so displaced and to exchange lands or property rights so acquired in consideration or partial consideration for the land or property rights needed for highway purposes. The [governor, at the request of the state highway commission,] *secretary of transportation* shall execute all conveyances, *duly acknowledged*, necessary to accomplish such exchange.

Sec. 52. Section 2, chapter 281, Laws of 1961 and RCW 47.12.190 are each amended to read as follows:

The [Washington state highway commission] *department*, in addition to its other powers and duties as provided by law, is authorized to purchase or condemn any real property or property rights therein which it deems will be necessary for the improvements of routes on the state highway system by the method provided in RCW 47.12.180 through 47.12.240. Condemnation actions brought hereunder shall be brought in the name of the state as provided for acquiring property for the public uses of the state, and in such actions selection of the property and property rights by the [highway commission] *secretary of transportation* is conclusive that they are necessary for the purposes sought, in the absence of bad faith, or arbitrary, capricious, or fraudulent action.

Sec. 53. Section 3, chapter 281, Laws of 1961 as amended by section 2, chapter 197, Laws of 1969 ex. sess. and RCW 47.12.200 are each amended to read as follows:

The [highway] *transportation* commission may enter into agreements with the state finance committee for financing the acquisition, by purchase or condemnation, of real property together with engineering costs that the [highway] *transportation* commission deems will be necessary for the improvement of the state highway system. Such agreements may provide for the acquisition of an individual parcel or for the acquisition of any number of parcels within the limits of a contemplated highway project.

Sec. 54. Section 5, chapter 281, Laws of 1961 as amended by section 4, chapter 197, Laws of 1969 ex. sess. and RCW 47.12.220 are each amended to read as follows:

Each such agreement shall include, but shall not be limited to the following:

(1) A provision stating the term of the agreement which shall not extend more than seven years from the effective date of the agreement [.] ;

(2) A designation of the specific fund or funds to be used to carry out such agreement [.] ;

(3) A provision that the [highway commission] *department of transportation* may redeem warrants purchased by the state finance committee at any time prior to the letting of a highway improvement contract utilizing the property; and further, during the effective period of each such agreement the [highway commission] *department of trans-*

portation shall redeem such warrants whenever such a highway improvement contract is let, or upon the expiration of such agreement, whichever date is earlier [.] ;

(4) A provision stating the rate of interest such warrants shall bear commencing at the time of purchase by the state finance committee [.] ;

(5) Any additional provisions agreed upon by the [highway] *transportation* commission and the state finance committee which are necessary to carry out the purposes of such agreement as indicated by RCW 47.12.180 through 47.12.240, as now or hereafter amended.

Sec. 55. Section 47.24.010, chapter 13, Laws of 1961 as amended by section 3, chapter 95, Laws of 1973 and RCW 47.24.010 are each amended to read as follows:

The [state highway] *transportation* commission shall determine what streets, together with bridges thereon and wharves necessary for use for ferriage of motor vehicle traffic in connection with such streets, if any, in any incorporated cities and towns shall form a part of the route of state highways and between the first and fifteenth days of July of any year the [state highway commission] *department of transportation* shall certify to the clerk of each city or town, by brief description, the streets, together with the bridges thereon and wharves, if any, in such city or town which are designated as forming a part of the route of any state highway; and all such streets, including curbs and gutters and street intersections and such bridges and wharves, shall thereafter be a part of the state highway system and as such shall be constructed and maintained by the [state highway commission] *department of transportation* from any state funds available therefor: PROVIDED, That the responsibility for the construction and maintenance of any such street together with its appurtenances may be returned to a city or a town upon certification by the [state highway commission] *department of transportation* to the state auditor and to the clerk of any city or town that such street, or portion thereof, is no longer required as a part of the state highway system: PROVIDED FURTHER, That any such certification that a street, or portion thereof, is no longer required as a part of the state highway system shall be made between the first and fifteenth of July following the determination by the [state highway commission] *department* that such street or portion thereof is no longer required as a part of the state highway system, but this shall not prevent the [state highway commission] *department* and any city or town from entering into an agreement that a city or town will accept responsibility for such a street or portion thereof at some time other than between the first and fifteenth of July of any year.

Sec. 56. Section 20, chapter 83, Laws of 1967 ex. sess. as amended by section 3, chapter 171, Laws of 1969 ex. sess. and 47.26.140 are each amended to read as follows:

The [assistant director of highways for state aid] *department of transportation* shall furnish necessary staff services and facilities required by the urban arterial board. The cost of such services, together with travel expenses of the members and all other lawful expenses of the board, shall be paid from the urban arterial trust account in the motor vehicle fund. The urban arterial board may appoint an executive secretary who shall serve at its pleasure and whose salary shall be set by the board and paid from the urban arterial trust account in the motor vehicle fund.

Sec. 57. Section 47.28.010, chapter 13, Laws of 1961 and RCW 47.28.010 are each amended to read as follows:

Whenever the general route of any state highway shall be designated and laid out as running to or by way of certain designated points, without specifying the particular route to be followed to or by way of such points, the [highway] *transportation* commission shall determine the particular route to be followed by said state highway to or by way of said designated points, and shall be at liberty to select and adopt as a part of such state highway, the whole or any part of any existing public highway previously designated as a county road, primary road, or secondary road or now or hereafter classified as a county road. The [highway] *commission* need not select and adopt the entire routes for such state highways at one time, but may select and adopt parts of such routes from time to time as it deems advisable. Where a state highway is designated as passing by way of a certain point, this shall not require the [highway] *commission* to cause such state highway to pass through or touch such point but such designation is directional

only and may be complied with by location in the general vicinity. The [highway commission] *department of transportation* is empowered to construct as a part of any state highway as designated and in addition to any portion meeting the limits of any incorporated city or town a bypass section either through or around any such incorporated city or town.

Sec. 58. Section 47.36.020, chapter 13, Laws of 1961 and RCW 47.36.020 are each amended to read as follows:

The [highway commission] *secretary of transportation* shall adopt specifications for a uniform system of traffic control signals consistent with the provisions of this title for use upon public highways within this state. Such uniform system shall correlate with and so far as possible conform to the system current as approved by the American Association of State Highway Officials and as set out in the manual of uniform traffic control devices for streets and highways.

Sec. 59. Section 47.36.030, chapter 13, Laws of 1961 and RCW 47.36.030 are each amended to read as follows:

The [highway commission] *secretary of transportation* shall have the power and it shall be its duty to adopt and designate a uniform state standard for the manufacture, display, erection, and location of all signs, signals, signboards, guideposts, and other traffic devices erected or to be erected upon the state highways of the state of Washington for the purpose of furnishing information to persons traveling upon such state highways regarding traffic regulations, directions, distances, points of danger, and conditions requiring caution, and for the purpose of imposing restrictions upon persons operating vehicles thereon. Such signs shall conform as nearly as practicable to the manual of specifications for the manufacture, display, and erection of uniform traffic control devices for streets and highways and all amendments, corrections, and additions thereto. The [highway commission] *department of transportation* shall prepare plans and specifications of the uniform state standard of traffic devices so adopted and designated, showing the materials, colors, and designs thereof, and shall upon the issuance of any such plans and specifications or revisions thereof and upon request, furnish to the boards of county commissioners and the governing body of any incorporated city or town, a copy thereof. Signs, signals, signboards, guideposts, and other traffic devices erected on county roads shall conform in all respects to the specifications of color, design, and location [devised] *approved* by the [highway commission] *secretary*. Traffic devices hereafter erected within incorporated cities and towns shall conform to such uniform state standard and traffic devices so far as is practicable.

Sec. 60. Section 47.52.027, chapter 13, Laws of 1961 and RCW 47.52.027 are each amended to read as follows:

The [state highway commission] *secretary of transportation* may adopt design standards, rules, and regulations relating to construction, maintenance, and control of access of the national system of interstate and defense highways within this state as it deems advisable properly control access thereto, to preserve the traffic-carrying capacity of such highways, and to provide the maximum degree of safety to users thereof. In adopting such standards, rules, and regulations the [commission] *secretary* shall take into account the policies, rules, and regulations of the *United States* secretary of commerce and the [bureau of public roads] *federal highway administration* relating to the construction, maintenance, and operation of the system of interstate and defense highways. The standards, rules, and regulations so adopted by the [commission] *secretary* shall constitute the public policy of this state and shall have the force and effect of law.

S c. 61. Section 5, chapter 75, Laws of 1965 ex. sess. and RCW 47.52.139 are each amended to read as follows:

Upon receipt of the findings and order adopting a plan, the county, city, or town may notify the [state highway commission] *department of transportation* of its approval of such plan in writing, in which event such plan shall be final.

In the event that a county, city, or town does not approve the plan, the county, city, or town shall file its disapproval in writing with the [state highway commission] *secretary of transportation* within thirty days after the mailing thereof to such mayor or county commissioner. Along with the written disapproval shall be filed a written request

for a hearing before a board of review, hereinafter referred to as the board. The request for hearing shall set forth the portions of the plan of the [state highway commission] *department* to which the county, city, or town objects, and shall include every issue to be considered by the board. The hearing before a board of review shall be governed by RCW 47.52.150 through 47.52.190, *as now or hereafter amended*.

Sec. 62. Section 47.52.150, chapter 13, Laws of 1961 as amended by section 3, chapter 103, Laws of 1963 and RCW 47.52.150 are each amended to read as follows:

Upon request for a hearing before the board by any county, city, or town, a board consisting of five members shall be appointed as follows: The mayor or the county commissioners, as the case may be shall appoint two members of the board, of which one shall be a duly elected official of the city, county, or legislative district, except that of the legislative body of the county, city, or town requesting the hearing, subject to confirmation by the legislative body of the city or town; the [state highway commission] *secretary of transportation* shall appoint two members of the board [who shall not be members of such commission]; and one member shall be selected by the four members thus appointed. Such fifth member shall be a licensed civil engineer or a recognized professional city or town planner, who shall be chairman of the board. In the case both the county and an included city or town request a hearing, the board shall consist of nine members appointed as follows: The mayor and the county commission shall each appoint two members from the elective officials of their respective jurisdictions, and of the four thus selected no more than two thereof may be members of a legislative body of the county, city, or town. The [state highway commission] *secretary of transportation* shall appoint four members of the board [who shall not be members of such commission]. One member shall be selected by the members thus selected, and such ninth member shall be a licensed civil engineer or a recognized city or town planner, who shall be chairman of the board. Such boards as are provided by this section shall be appointed within thirty days after [the next meeting of the state highway commission immediately following] the receipt of such a request by the [commission] *secretary*. In the event the [state highway commission] *secretary* or a county, city, or town shall not appoint members of the board or members thus appointed fail to appoint a fifth or ninth member of the board, as the case may be, either the [state highway commission] *secretary* or the county, city, or town may apply to the superior court of the county in which the county, city, or town is situated to appoint the member or members of the board in accordance with the provisions of this chapter.

Sec. 63. Section 47.52.180, chapter 13, Laws of 1961 and RCW 47.52.180 are each amended to read as follows:

At the conclusion of such hearing, the board shall consider the evidence taken and shall make specific findings with respect to the objections and issues within thirty days after the hearing, which findings shall approve, disapprove, or modify the proposed plan of the [state highway commission] *department of transportation*. Such findings shall be final and binding upon both parties.

Sec. 64. Section 47.56.030, chapter 13, Laws of 1961 as last amended by section 3, chapter 180, Laws of 1969 ex. sess. and RCW 47.56.030 are each amended to read as follows:

The [state highway commission] *department of transportation* shall have full charge of the construction of all toll bridges and other toll facilities including the Washington state ferries [that may be authorized by the Washington toll bridge authority], and the operation and maintenance thereof [and the collection of tolls and charges thereon]. *The transportation commission shall determine and establish the tolls and charges thereon, and shall perform all duties and exercise all powers relating to the financing, refinancing, and fiscal management of the state ferry systems, and bonded indebtedness in the manner provided by law.* The [commission] *department* shall have full charge of design of all toll facilities. The [commission] *department* shall proceed with the construction of such toll bridges and other facilities and the approaches thereto by contract in the manner of state highway construction immediately upon there being made available funds for such work and shall prosecute such work to completion as rapidly as practicable. The [highway commission] *department* is authorized to negotiate

contracts for any amount without bid in order to make repairs to ferries or ferry terminal facilities or removal of such facilities whenever continued use of ferries or ferry terminal facilities constitutes a real or immediate danger to the traveling public or precludes prudent use of such ferries or facilities.

Sec. 65. Section 47.56.070, chapter 13, Laws of 1961 and RCW 47.56.070 are each amended to read as follows:

The [authority] *department of transportation*, with the approval of the *transportation commission*, may provide for the establishment, construction, and operation of toll tunnels, toll roads, and other facilities necessary for their construction and connection with public highways of the state. It may cause surveys to be made to determine the propriety of their establishments, construction, and operation, and may acquire rights of way and other facilities necessary to carry out the provisions hereof; and may issue, sell, and redeem bonds, and deposit and expend them; secure and remit financial and other assistance in the construction thereof; carry insurance thereon; and handle any other matters pertaining thereto, all of which shall be conducted in the same manner and under the same procedure as provided for the establishing, constructing, operating, and maintaining of toll bridges by the [authority] *department*, insofar as reasonably consistent and applicable. No toll facility, toll bridge, toll road, or toll tunnel, shall be combined with any other toll facility for the purpose of financing unless such facilities form a continuous project, to the end that each such facility or project be self-liquidating and self-sustaining [: PROVIDED, That no toll road shall be constructed, obligations for the construction thereof entered into, or right of way acquired without prior approval of the location, plans and specifications by the Washington state highway commission].

Sec. 66. Section 47.56.080, chapter 13, Laws of 1961 and RCW 47.56.080 are each amended to read as follows:

Whenever in the judgment of the [highway] *transportation commission* it is considered in the best interest of the public highways of the state that any new toll bridge or bridges be constructed upon any public highway and across any stream, body of water, gulch, navigable water, swamp, or other topographical formation and operated by the state the [highway] *commission* shall [submit its recommendation to that effect to the Washington toll bridge authority together with preliminary estimates of the cost of such construction and an estimate of the amount necessary to be raised for such purpose by the issuance of revenue bonds, and a statement of the probable amount of money, property, materials or labor to be contributed from other sources in aid of any such construction. If the Washington toll bridge authority concurs in the recommendation of the highway commission or on its own motion determines to construct any toll bridge or toll bridges, the Washington toll bridge authority shall] adopt a resolution declaring that public interest and necessity require the construction of such toll bridge or bridges and authorizing the issuance of revenue bonds for the purpose of obtaining funds in an amount not in excess of that estimated to be required for such construction. The issuance of bonds as provided in this chapter for the construction of more than one toll bridge may at the discretion of the [Washington toll bridge authority] *commission* be included in the same authority and issue of bonds.

Sec. 67. Section 47.56.090, chapter 13, Laws of 1961 and RCW 47.56.090 are each amended to read as follows:

[Whenever the Washington toll bridge authority shall authorize and direct the highway commission to construct a toll bridge the highway commission] *The department of transportation* is empowered to secure right of way [therefor] *for toll bridges* and for approaches thereto by gift or purchase, or by condemnation in the manner provided by law for the taking of private property for public highway purposes.

Sec. 68. Section 47.56.120, chapter 13, Laws of 1961 and RCW 47.56.120 are each amended to read as follows:

In the event that the [Washington toll bridge authority] *transportation commission* should determine that any toll bridge should be constructed [under its authority it shall authorize and direct the highway commission to construct such toll bridge. In the event the highway commission is authorized and directed to construct such toll bridge], all

cost thereof including right of way, survey, and engineering shall be paid out of any funds available for payment of the cost of such toll bridge under this chapter.

Sec. 69. Section 47.56.250, chapter 13, Laws of 1961 and RCW 47.56.250 are each amended to read as follows:

Whenever a proposed toll bridge, toll road, toll tunnel, or any other toll facility of any sort is to be constructed, any city, county, or other political subdivision located in relation to such facility so as to benefit directly or indirectly thereby, may, either jointly or separately, at the request of the [Washington state highway commission or the authority] *transportation commission* advance or contribute money, or bonds, rights of way, labor, materials, and other property toward the expense of building the toll facility, and for preliminary surveys and the preparation of plans and estimates of cost therefor and other preliminary expenses. Any such city, county, or other political subdivision may, either jointly or separately, at the request of the *transportation commission* [or the authority] advance or contribute money or bonds for the purpose of guaranteeing the payment of interest or principal on the bonds issued by the [authority] *commission* to finance the toll facility. Appropriations for such purposes may be made from any funds available, including county road funds received from or credited by the state, or funds obtained by excess tax levies made pursuant to law or the issuance of general obligation bonds for this purpose. General obligation bonds issued by a city, county, or political subdivision may with the consent of the [state highway] commission [or the authority] be placed with the [Washington toll bridge authority] *department of transportation* to be sold by the [authority] *department* to provide funds for such purpose. Money, or bonds, or property so advanced or contributed may be immediately transferred or delivered to the [authority] *department* to be used for the purpose for which contribution was made. The [authority] *commission* may enter into an agreement with a city, county, or other political subdivision to repay any money, or bonds or the value of a right of way, labor, materials, or other property so advanced or contributed. The [authority] *commission* may make such repayment to a city, county, or other political subdivision and reimburse the state for any expenditures made by it in connection with the toll facility out of tolls and other revenues for the use of the toll facility.

Sec. 70. Section 3, chapter 257, Laws of 1961 as amended by section 3, chapter 177, Laws of 1973 1st ex. sess. and RCW 47.56.254 are each amended to read as follows:

If the [authority] *secretary of transportation* determines that any real property (including lands, improvements thereon, and any interests or estates) held by the [authority] *department* is no longer required for purposes of the [authority] *department*, the [authority] *department* shall offer it for sale as authorized by RCW 47.56.252 or [in the manner and with the authority authorized to the state highway commission by] RCW 47.12.280. The [authority] *department* may adopt rules further implementing this section [as granted to the highway commission by RCW 47.12.280].

NEW SECTION. Sec. 71. There is added to Title 47 RCW a new section to read as follows:

If any part of this title or any section of this 1975 amendatory act is ruled to be in conflict with federal requirements which are a prescribed condition of the allocation of federal funds to the state, or to any department or agencies thereof, such conflicting part or section is declared to be inoperative solely to the extent of the conflict. No such ruling shall affect the operation of the remainder of the act. Any internal reorganization carried out under the terms of this title or any section of this 1975 amendatory act shall meet federal requirements which are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. Sec. 72. If any provision of this 1975 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 73. The rule of strict construction shall have no application to this title, and it shall be liberally construed in order to carry out the objectives for which it is designed. Any ambiguities arising from its interpretation should be resolved consistently with the broad purposes set forth in section 1 of this 1975 amendatory act.

NEW SECTION. Sec. 74. Title 47 RCW, presently titled "Public Highways" shall, upon the implementation of this 1975 amendatory act, be known and referred to as "Public Highways and Transportation".

NEW SECTION. Sec. 75. The following acts or parts of acts are each repealed:

- (1) Section 47.01.010, chapter 13, Laws of 1961 and RCW 47.01.010;
- (2) Section 47.01.020, chapter 13, Laws of 1961 and RCW 47.01.020;
- (3) Section 47.01.030, chapter 13, Laws of 1961, section 1, chapter 1, Laws of 1965 ex. sess. and RCW 47.01.030;
- (4) Section 47.01.040, chapter 13, Laws of 1961, section 31, chapter 170, Laws of 1965 ex. sess. and RCW 47.01.040;
- (5) Section 47.01.050, chapter 13, Laws of 1961 and RCW 47.01.050;
- (6) Section 47.01.060, chapter 13, Laws of 1961 and RCW 47.01.060;
- (7) Section 47.01.080, chapter 13, Laws of 1961 and RCW 47.01.080;
- (8) Section 47.01.090, chapter 13, Laws of 1961 and RCW 47.01.090;
- (9) Section 47.01.100, chapter 13, Laws of 1961 and RCW 47.01.100;
- (10) Section 47.01.110, chapter 13, Laws of 1961 and RCW 47.01.110;
- (11) Section 47.01.120, chapter 13, Laws of 1961 and RCW 47.01.120;
- (12) Section 47.01.130, chapter 13, Laws of 1961, section 10, chapter 307, Laws of 1961 and RCW 47.01.130;
- (13) Section 1, chapter 29, Laws of 1974 ex. sess. and RCW 47.01.160; and
- (14) Section 10, chapter 278, Laws of 1961, section 30, chapter 170, Laws of 1965 ex. sess. and RCW 47.56.034.

NEW SECTION. Sec. 76. This 1975 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions and shall take effect immediately."

On page 1, line 3 of the title, after "functions;" strike the remainder of the title and insert "transferring to the jurisdiction of the department of transportation and/or the secretary of transportation certain powers, duties, and functions of the department of highways, the highway commission, and the toll bridge authority; transferring to the jurisdiction of the secretary of transportation certain powers, duties, and functions of certain state officials, boards, and commissions; providing the procedure for the aforesaid transfers; saving certain rights; abolishing certain state agencies and offices; renaming Title 47 RCW; amending section 1, chapter 11, Laws of 1971 and RCW 43.17.010; amending section 2, chapter 11, Laws of 1971 and RCW 43.17.020; amending section 46.44.080, chapter 12, Laws of 1961 as amended by section 1, chapter 15, Laws of 1973 2nd ex. sess. and RCW 46.44.080; amending section 46.44.090, chapter 12, Laws of 1961 and RCW 46.44.090; amending section 46.44.091, chapter 12, Laws of 1961 as amended by section 30, chapter 281, Laws of 1969 ex. sess. and RCW 46.44.091; amending section 46.44.092, chapter 12, Laws of 1961 as last amended by section 1, chapter 9, Laws of 1970 ex. sess. and RCW 46.44.092; amending section 46.44.095, chapter 12, Laws of 1961 as last amended by section 1, chapter 76, Laws of 1974 ex. sess. and RCW 46.44.095; amending section 2, chapter 16, Laws of 1963 as last amended by section 1, chapter 103, Laws of 1974 ex. sess. and RCW 46.61.405; amending section 3, chapter 16, Laws of 1963 as last amended by section 2, chapter 103, Laws of 1974 ex. sess. and RCW 46.61.410; amending section 4, chapter 16, Laws of 1963 as amended by section 3, chapter 103, Laws of 1974 ex. sess. and RCW 46.61.415; amending section 6, chapter 16, Laws of 1963 as last amended by section 1, chapter 135, Laws of 1969 and RCW 46.61.425; amending section 46.48.041, chapter 12, Laws of 1961 as amended by section 4, chapter 103, Laws of 1974 ex. sess. and RCW 46.61.430; amending section 46.48.080, chapter 12, Laws of 1961 and RCW 46.61.450; amending section 66, chapter 155, Laws of 1965 ex. sess. as amended by section 35, chapter 62, Laws of 1975 and RCW 46.61.570; amending section 67, chapter 155, Laws of 1965 ex. sess. as amended by section 36, chapter 62, Laws of 1975, and RCW 46.61.575; amending section 46.68.120, chapter 12, Laws of 1961 as last amended by section 47; chapter 195, Laws of 1973 1st ex. sess. and RCW 46.68.120; amending section 47.01.070, chapter 13, Laws of 1961 and RCW 47.01.070; amending section 2, chapter 173, Laws of 1963 as amended by section 2, chapter 39, Laws of 1969 ex. sess. and

RCW 47.05.020; amending section 3, chapter 173, Laws of 1963 as last amended by section 4, chapter 12, Laws of 1973 2nd ex. sess. and RCW 47.05.030; amending section 7, chapter 173, Laws of 1963 as amended by section 7, chapter 12, Laws of 1973 2nd ex. sess. and RCW 47.05.070; amending section 47.12.010, chapter 13, Laws of 1961 as amended by section 4, chapter 108, Laws of 1967 and RCW 47.12.010; amending section 47.12.060, chapter 13, Laws of 1961 and RCW 47.12.060; amending section 47.12.070, chapter 13, Laws of 1961 as amended by section 2, chapter 91, Laws of 1969 and RCW 47.12.070; amending section 47.12.080, chapter 13, Laws of 1961 and RCW 47.12.080; amending section 47.12.120, chapter 13, Laws of 1961 as amended by section 1, chapter 91, Laws of 1969 and RCW 47.12.120; amending section 47.12.130, chapter 13, Laws of 1961 and RCW 47.12.130; amending section 47.12.140, chapter 13, Laws of 1961 and RCW 47.12.140; amending section 47.12.150, chapter 13, Laws of 1961 and RCW 47.12.150; amending section 2, chapter 281, Laws of 1961 and RCW 47.12.190; amending section 3, chapter 281, Laws of 1961 as amended by section 2, chapter 197, Laws of 1969 ex. sess. and RCW 47.12.200; amending section 5, chapter 281, Laws of 1961 as amended by section 4, chapter 197, Laws of 1969 ex. sess. and RCW 47.12.220; amending section 47.24.010, chapter 13, Laws of 1961 as amended by section 3, chapter 95, Laws of 1973 and RCW 47.24.010; amending section 20, chapter 83, Laws of 1967 ex. sess. as amended by section 3, chapter 171, Laws of 1969 ex. sess. and RCW 47.26.140; amending section 47.28.010, chapter 13, Laws of 1961 and RCW 47.28.010; amending section 47.36.020, chapter 13, Laws of 1961 and RCW 47.36.020; amending section 47.36.030, chapter 13, Laws of 1961 and RCW 47.36.03; amending section 47.52.027, chapter 13, Laws of 1961 and RCW 47.52.027; amending section 5, chapter 75, Laws of 1965 ex. sess. and RCW 47.52.139; amending section 47.52.150, chapter 13, Laws of 1961 as amended by section 3, chapter 103, Laws of 1963 and RCW 47.52.150; amending section 47.52.180, chapter 13, Laws of 1961 and RCW 47.52.180; amending section 47.56.030, chapter 13, Laws of 1961 as last amended by section 3, chapter 180, Laws of 1969 ex. sess. and RCW 47.56.030; amending section 47.56.070, chapter 13, Laws of 1961 and RCW 47.56.070; amending section 47.56.080, chapter 13, Laws of 1961 and RCW 47.56.080; amending section 47.56.090, chapter 13, Laws of 1961 and RCW 47.56.090; amending section 47.56.120, chapter 13, Laws of 1961 and RCW 47.56.120; amending section 47.56.250, chapter 13, Laws of 1961 and RCW 47.56.250; amending section 3, chapter 257, Laws of 1961 as amended by section 3, chapter 177, Laws of 1973 1st ex. sess. and RCW 47.56.254; adding a new section to chapter 1.08 RCW; adding a new section to chapter 13, Laws of 1961 and to chapter 47.01 RCW; adding new sections to Title 47 RCW; creating new sections; repealing section 47.01.010, chapter 13, Laws of 1961 and RCW 47.01.010; repealing section 47.01.020, chapter 13, Laws of 1961 and RCW 47.01.020; repealing section 47.01.030, chapter 13, Laws of 1961, section 1, chapter 1, Laws of 1965 ex. sess. and RCW 47.01.030; repealing section 47.01.040, chapter 13, Laws of 1961, section 31, chapter 170, Laws of 1965 ex. sess. and RCW 47.01.040; repealing section 47.01.050, chapter 13, Laws of 1961 and RCW 47.01.050; repealing section 47.01.060, chapter 13, Laws of 1961 and RCW 47.01.060; repealing section 47.01.080, chapter 13, Laws of 1961 and RCW 47.01.080; repealing section 47.01.090, chapter 13, Laws of 1961 and RCW 47.01.090; repealing section 47.01.100, chapter 13, Laws of 1961 and RCW 47.01.100; repealing section 47.01.110, chapter 13, Laws of 1961 and RCW 47.01.110; repealing section 47.01.120, chapter 13, Laws of 1961 and RCW 47.01.120; repealing section 47.01.130, chapter 13, Laws of 1961, section 10, chapter 307, Laws of 1961 and RCW 47.01.130; repealing section 1, chapter 29, Laws of 1974 ex. sess. and RCW 47.01.160; repealing section 10, chapter 278, Laws of 1961, section 30, chapter 170, Laws of 1965 ex. sess. and RCW 47.56.034; and declaring an emergency."

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

The bill was read the second time by sections.

Senator Walgren moved adoption of the committee amendment.

On motion of Senator Walgren, the following amendment by Senators Henry and

Walgren to the committee amendment was adopted:

On page 55, line 18, strike all of lines 18 and 19 and renumber the remaining sections accordingly.

The motion by Senator Walgren carried and the committee amendment, as amended, was adopted.

Senator Walgren moved adoption of the committee amendment to the title.

On motion of Senator Walgren, the following amendment by Senators Henry and Walgren to the committee amendment to the title was adopted:

On page 58, line 24 after "47.01.100;" of the title strike all of the material through "47.01.110" on line 24.

The motion by Senator Walgren carried and the committee amendment to the title, as amended, was adopted.

On motion of Senator Walgren, the rules were suspended, Engrossed Substitute House Bill No. 164, 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. 164, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 38; nays, 6; absent or not voting, 1; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Goltz, Grant, Guess, Henry, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Newschwander, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Woody—38.

Voting nay: Senators Bluechel, Gould, North, Sandison, Scott, Wilson—6.

Absent or not voting: Senator Herr—1.

Excused: Senators Francis, Keefe, Murray, Sellar—4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 164, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator McDermott, the Senate resumed consideration of Engrossed House Bill No. 350.

SECOND READING

ENGROSSED HOUSE BILL NO. 350, by Representatives Randall, Pardini and Erickson (by Department of Revenue request):

Pertaining to hotel, motel excise tax by counties and cities.

The Senate resumed consideration of Engrossed House Bill No. 350. Earlier today, Senator Matson had moved adoption of an amendment to page 1, line 30.

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

On motion of Senator Odegaard, the rules were suspended, Engrossed House Bill No. 350, 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. 350, 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 Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Goltz, Gould, Grant, Guess, Henry, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson,

McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—44.

Absent or not voting: Senator Herr—1.

Excused: Senators Francis, Keefe, Murray, Sellar—4.

ENGROSSED HOUSE BILL NO. 350, 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 Knoblauch, Senator Herr was excused.

SECOND READING

HOUSE BILL NO. 1077, by Representatives Martinis, Conner and Haussler: Relating to the state building code.

The Senate resumed consideration of House Bill No. 1077, as amended, and a pending amendment by Senator Matson moved for adoption earlier today to page 1, beginning on line 9.

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

On motion of Senator Matson, the following amendment to the title was adopted:

On line 1 of the title after "code;" insert: "and amending section 5, chapter 96, Laws of 1974 1st ex. sess. and RCW 19.27.060;"

On motion of Senator Fleming, the rules were suspended, House Bill No. 1077, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1077, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Goltz, Gould, Grant, Guess, Henry, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—44.

Excused: Senators Francis, Herr, Keefe, Murray, Sellar—5.

HOUSE BILL NO. 1077, 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 Bottiger moved that the Senate immediately reconsider the vote by which House Bill No. 230, as amended by the Senate, passed the Senate.

The motion for reconsideration carried.

MOTION

On motion of Senator Bottiger, House Bill No. 230, as amended by the Senate, on reconsideration, was ordered held at the beginning of the second reading calendar for Saturday, May 31, 1975.

MOTION

On motion of Senator McDermott, the Senate returned to the first order of business.

REPORT OF STANDING COMMITTEE

May 30, 1975.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 483, implementing further consolidation of state automated data processing facilities (reported by Committee on State Government):

Recommendation: Do pass as amended.

Signed by: Senators Rasmussen, Chairman; Buffington, Cunningham, Day, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules for second reading.

INTRODUCTION AND FIRST READING

SENATE JOINT MEMORIAL NO. 107, by Senators Pullen, Peterson and Rasmussen:

Requesting the administration and Congress to take action relating to the Medicine Creek Treaty of 1854 and treaties, resolutions, and executive orders pertaining thereto. Referred to Committee on Natural Resources on January 30, 1975.

SENATE JOINT RESOLUTION NO. 111, by Senators Francis, Day, Murray, Beck, Van Hollebeke, Jones, Washington, Matson, Goltz, Marsh, Newschwander, Knoblauch, Grant, Keefe, Buffington, Sellar, Talley, Fleming, Bottiger, von Reichbauer and McDermott (by Executive request):

Proposing constitutional amendment permitting legislature to provide assistance to students in public and private schools and institutions of higher education.

Referred to the Committee on Education on February 3, 1975.

SENATE JOINT RESOLUTION NO. 112, by Senators Beck and Guess:

Removing the dismissal of a public employee or appointee as grounds for recall of an elected official.

Referred to the Committee on Constitution and Elections on February 4, 1975.

On February 3, 1975, on motion of Senator Francis, the rules were suspended and Senator von Reichbauer was permitted as an additional sponsor to Senate Joint Resolution No. 111.

MOTION

At 8:00 p.m., on motion of Senator McDermott, the Senate adjourned until 10:00 a.m., Saturday, May 31, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

SEVENTY-NINTH DAY**MORNING SESSION**

Senate Chamber, Olympia, Saturday, May 31, 1975.

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Donohue, Lewis (Harry), Murray, Newschwander, Odegaard and Stortini. On motion of Senator Lewis (R. H. "Bob"), Senator Murray was excused. On motion of Senator Knoblauch, Senators Donohue, Newschwander, Odegaard and Stortini were excused. Senators Donohue, Newschwander and Odegaard were excused for a meeting of a Conference Committee.

The Color Guard, consisting of Pages Karen Devaney and Carlos Sambrano, presented the Colors. Reverend Charles Loyer, pastor of Westminster United Presbyterian Church of Olympia, offered the following prayer:

"ETERNAL GOD, AS THIS BIENNIIUM DRAWS TO A CLOSE, GIVE TO THE LEGISLATORS THE INNER RESOURCES NEEDED TO CLOSE STRONGLY. THEY HAVE WORKED LONG AND LATE. DELIVER THEM THIS DAY FROM UNNECESSARY HARASSMENT. THEY ARE TIRED. SPARE THEM THE BOOTLESS JOURNEYS OF DEAD-END STREETS AND THE FRUSTRATIONS OF STALEMATES. IN THEIR WEARINESS, EMOTION WILL SURFACE. GIVE THEM PATIENCE AND SELF-CONTROL. THEY HAVE IMPORTANT DECISIONS TO YET MAKE; HELP THEM TO RISE ABOVE THEIR FATIGUE TO DISTINGUISH BETWEEN WHAT IS GOOD AND WHAT IS BETTER. AND STAND BY, OUR HEAVENLY FATHER, WITH HEAVEN'S MEDIC I SHOULD OUR ENFEEBLED SYSTEMS ALREADY WEARY THROUGH MALADIES OF INFLATION AND RECESSION BE CALLED UPON FOR AN ADDITIONAL TRANSFUSION. AMEN."

MOTION

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

MOTIONS

On motion of Senator Mardesich, the Senate advanced to the sixth order of business.

On motion of Senator Mardesich, the Senate resumed consideration of Substitute House Bill No. 867.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 867, by Committee on Ways and Means (originally sponsored by Representatives Bagnariol and Shinpoch):

Appropriating funds for the Washington Future Program.

The Senate resumed consideration of Substitute House Bill No. 867. On Friday, May 30, 1975, the committee amendment was moved for adoption by Senator Wilson. An amendment by Senator Wilson to the committee amendment was adopted and an amendment by Senator Marsh to the committee amendment was moved for adoption at that time to page 2, line 12.

Debate ensued.

POINT OF INQUIRY

Senator Morrison: "Would Senator Wilson yield to a question? Senator Wilson, is it true that the people of the state approved Referendum 27 with no strings attached, that is, it was proposed as a grant to be distributed by the legislature?"

Senator Wilson: "Senator Morrison, I am looking for the exact language that appeared in the voters' pamphlet on this point, and the explanatory material prepared by the Attorney General says, in part, that the department, meaning the Department of Ecology, will be authorized to use these funds to accomplish the purposes for which the bonds are issued, either by means of direct expenditures or by grants or loans to qualified public bodies."

Senator Morrison: "Could we also say that the bill in front of us, the statutory language of this Ways and Means Committee amendment, is probably the most restrictive approach the legislature has taken to the distribution of any of the Washington Future bond dollars?"

Senator Wilson: "Senator, I would like to say yes. I do not know that I am qualified to speak to the point. Certainly the language in this bill is far more restrictive with respect to the disbursement of these funds than was the language either of the bond issue or the criteria set forth when the bond issue was before the people."

Senator Morrison: "Thank you."

Further debate ensued.

The motion by Senator Marsh failed and the amendment to the committee amendment was not adopted.

There being no objection, the amendment by Senator Marsh to page 2, line 21 on the Secretary's desk, was withdrawn.

Senator Marsh moved adoption of the following amendment to the committee amendment:

On page 4, line 4, after "chairman." strike all the material through "representatives." on line 8.

Debate ensued.

POINT OF INQUIRY

Senator Washington: "Senator Wilson, would you yield? I have looked over the Marsh amendment and it seemed to me this one perhaps is not crucial but it seemed to me that it could not hurt this bill if the Senate members were appointed and would serve out their term on the committee, as most of us do when we are at least between the legislative sessions. They do not go for four years but ordinarily an appointment goes for the interim and it would seem to me that it would not be out of line to adopt this particular amendment."

Senator Wilson: "Did you ask me a question?"

Senator Washington: "Yes, I asked you what your thinking was in that regard and if we are not perhaps, as Senator Marsh says, establishing a precedent as far as legislative members are concerned."

Senator Wilson: "I expressed my thinking in my earlier remarks. I do not think this is an important amendment. I suggest that it be defeated (sic) because I do not think it does any harm. I do not think it is setting any kind of a precedent and I think it lends itself simply to the practicalities of some legislators being appointed to serve as ex officio members until it is decided there should be a change in who is representing the House and who is representing the Senate."

POINT OF INQUIRY

Senator Bailey: "Would Senator Marsh yield? Senator Marsh, if we adopted your amendment as I understand it now, and I think it has some merit, is there any termination of the time that the appointed member would serve?"

Senator Marsh: "Yes, I think it would be his term of office and when his term expired, then I think his appointment would expire, because the bill puts him on there as an ex officio member by virtue of his legislative position. When he no longer holds the legislative position then he would go off."

Further debate ensued.

The motion by Senator Marsh carried and the amendment to the committee amendment was adopted on a rising vote.

Senator Wilson moved the following amendment to the committee amendment not be adopted:

On page 4, line 35, after "submit them to", strike the balance of the sentence and all of the following sentence through "this chapter." On page 5, line 1, insert "the standing ways and means committees, or legislative budget committee if the legislature is not in session. The standing ways and means committees, or the legislative budget committee if the legislature is not in session, shall approve or disapprove the criteria as being within the intent of this chapter, and no commitment or disbursement whatever shall be made under the authority of this act until such criteria shall have been approved."

Debate ensued.

The motion by Senator Wilson carried and the amendment to the committee amendment was not adopted.

On motion of Senator Wilson, the following amendment to the committee amendment was adopted:

On page 4, line 35, after "submit them to" strike all the matter through "this chapter" on page 5, line 1, and insert "the standing ways and means committees of the senate and house of representatives, which committees shall approve or disapprove the criteria as being within the intent of this chapter, and no commitment or disbursement whatever shall be made under the authority of this act until such criteria shall have been approved"

There being no objection, on motion of Senator Marsh the amendments to page 4, lines 35 and 36 to the committee amendment on the Secretary's desk, were withdrawn.

Senator Marsh moved adoption of the following amendment to the committee amendment:

On page 5, lines 3 and 4, strike "legislative budget committee" and insert "ways and means committees of the senate and house of representatives", and on line 4, strike "its" and insert "their"

Debate ensued.

The motion by Senator Marsh carried and the amendment to the committee amendment was adopted.

Senator Marsh moved adoption of the following amendment to the committee amendment:

On page 5, lines 33 through 36, strike the first sentence of section 12.

POINT OF INQUIRY

Senator Van Hollebeke: "Would Senator Marsh yield? Senator Marsh, does that remainder still read clearly or are you sure that that would read clearly then? As I read your amendment you have one sentence remaining and it says, 'Before a contractual agreement is made, the Department of Ecology and the technical advisory committee must be satisfied that the non-state share of any project financing has been assured,' Do you feel that that relates to the rest of the bill?"

Senator Marsh: "Yes, it does and I think that sentence is independent of the first sentence which I seek to strike."

Senator Van Hollebeke: "Okay. Thank you."

Debate ensued.

The motion by Senator Marsh failed and the amendment to the committee amendment was not adopted.

On motion of Senator Wilson, the following amendment to the committee amendment was adopted:

On page 6, line 27, add two new paragraphs to section 15, to read as follows: "Section 2 of this act shall apply only to the Second Bacon Siphon and Tunnel.

Sections 3 through 14 shall not apply to the Second Bacon Siphon and Tunnel except for the duties of the technical advisory committee set forth in section 2 of this act."

On motion of Senator Wilson, the following amendment to the committee amendment was adopted:

On page 1, line 28, after "agreements" and before the period insert ": PROVIDED, HOWEVER, That no contractual agreement related to the Second Bacon Siphon and

Tunnel shall be made under this chapter without prior approval of the ways and means committees of the senate and house of representatives”.

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

On page 4, line 2, after “serve” insert “for a two-year term”

POINT OF INQUIRY

Senator Rasmussen: “Would Senator Mardesich yield to a question? Senator Mardesich, would this have the effect of limiting it to one two-year term rather than reappointing?”

Senator Mardesich: “No, I see no limitation in that language. It would only imply that there would have to be a reappointment every two years.”

Senator Rasmussen: “Okay, thank you.”

Senator Mardesich moved adoption of the following amendment to the committee amendment:

On page 1, line 14, after “thereof” insert “to eligible state or federal public bodies”

Debate ensued.

POINT OF INQUIRY

Senator Washington: “Would Senator Mardesich yield to a question? In your amendment, so that there could be no possible question, I wonder if it could be ‘to eligible state or federal public bodies’? I think it would be wise to have the word ‘federal’.”

Senator Mardesich: “I have no objection and that is why I did not include the RCW, because I think that is exactly what they had in mind.”

Senator Washington: “But I think this would make it just a little bit clearer.”

The motion by Senator Mardesich carried and the amendment to the committee amendment was adopted.

The motion by Senator Wilson carried and the committee amendment, as amended, was adopted.

On motion of Senator Wilson the rules were suspended, Substitute House Bill No. 867, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 867, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. “Bob”), Mardesich, Marsh, Matson, McDermott, Morrison, North, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—44.

Excused: Senators Donohue, Murray, Newschwander, Odegard, Stortini—5.

SUBSTITUTE HOUSE BILL NO. 867, 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.

President Pro Tempore Henry assumed the Chair.

THIRD READING

HOUSE BILL NO. 230, by Representatives Douthwaite, Leckenby, Bender, Clemente, Dunlap (by Department of Highways request):

Authorizing the highway commission to establish equipment requirements for unsafe road conditions.

On Friday, May 30, 1975, on motion of Senator Bottiger, the Senate moved to re-

consider the vote by which House Bill No. 230, as amended by the Senate, passed the Senate.

MOTION

On motion of Senator Bottiger, the rules were suspended, House Bill No. 230, as amended, was returned to second reading.

Debate ensued.

On motion of Senator Bottiger, the following committee amendment, on reconsideration, was not adopted:

On page 1, beginning on line 24, after "determined" and before "under" insert "*in addition to but not exclusive of studded tires or four wheel drive vehicles in gear*".

On motion of Senator Bottiger the committee amendment to page 1, line 24 after the period adding "*Such signs or traffic control devices shall in no event prohibit the use of studded tires from November 1 to April 1, but when the highway commission determines that chains are required and that no other traction equipment will suffice, such requirement shall be applicable to all types including studded tires. Such signs or traffic control devices may specify different recommendations or requirements for four wheel drive vehicles in gear*" was adopted.

Senator Bottiger moved adoption of the following amendment:

On page 1, beginning on line 10, strike all the matter down to and including "required,]" on line 17 and insert the following: "rubber tires the commission may establish the following recommendations or requirements *with respect to the use of such equipment* for all persons using such public highway:

(1) Dangerous road conditions, chains [or studded tires], *or other approved traction devices* recommended.

(2) Dangerous road conditions, chains [or studded tires], *or other approved traction devices* required.

(3) Dangerous road conditions, chains required."

POINT OF INQUIRY

Senator Rasmussen: "Will Senator Bottiger yield to a question? Senator Bottiger, it seems as I read this and you say that they are allowed to post, so the only things that they would post on their signs would then be chains or studded tires, that is deleted. You would have chains or other approved traction devices. Would that be put on the sign 'or other approved' or would they specifically identify on the sign what they had approved?"

Senator Bottiger: "Senator Rasmussen, we could run into a ridiculous sign if we got all of the different possibilities. If you will look at the second amendment, the longer one that begins on page 1, line 24, you will see the restriction about them not excluding studded tires. Now you have all kinds of new possibilities. There are plastic chains. There are walnut and garnet tires. Senator Guess referred to some new type rubber that is adherent to ice and snow. If they listed all of those on a sign, the sky is the limit on how big it would have to be, and that is not reasonable."

Senator Rasmussen: "In effect though, as I read this amendment, no longer would they post for studded tires. It used to read 'chains or studded tires.' Now studded tires would be deleted."

Senator Bottiger: "The sign would probably say 'chains or approved safety traction equipment required.'"

Senator Rasmussen: "Then the Highway Commission would not approve studded tires?"

Senator Bottiger: "No, sir. That next amendment says they shall specifically not unapprove . . ."

Senator Rasmussen: "I have no objection. I think they are destroying the highway system."

Senator Bottiger: "If you live out in the rural areas, they are absolutely saving lives, Senator Rasmussen, so it is a trade off."

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

President Cherberg assumed the Chair.

POINT OF INQUIRY

Senator Woody: "Would Senator Bottiger yield? Under the bill the way it is right now with the amendments, could the department—I am just asking—could they in a condition of snow or ice require four wheel drive vehicles in gear to have anything in addition placed on their tires, such as chains, studs or anything else?"

Senator Bottiger: "Yes."

On motion of Senator Bottiger, the rules were suspended, House Bill No. 230, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 230, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 40; nays, 4; excused, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, North, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington—40.

Voting nay: Senators Herr, Talley, Wilson, Woody—4.

Excused: Senators Donohue, Murray, Newschwander, Odegaard, Stortini—5.

HOUSE BILL NO. 230, 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:

SUBSTITUTE SENATE BILL NO. 2159,

SENATE BILL NO. 2292,

SENATE BILL NO. 2501,

SENATE BILL NO. 2862,

SUBSTITUTE SENATE BILL NO. 2937.

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

SECOND READING

ENGROSSED HOUSE BILL NO. 1043, by Representative Savage:

Requiring an employer to assure a workman on temporary disability of a light duty position.

The Senate resumed consideration of Engrossed House Bill No. 1043 from Friday, May 30, 1975. Senator Ridder had moved adoption of an amendment to page 2, line 15. There being no objection, the amendment was withdrawn.

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

On page 2, line 15 after "*workman's*" and before "*consent*" insert "*written*".

On motion of Senator Ridder, the rules were suspended, Engrossed House Bill No. 1043, 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. 1043, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 36; nays, 8; excused, 5.

Voting yea: Senators Bailey, Beck, Bottiger, Buffington, Cunningham, Day, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Peterson, Pullen, Rasmussen,

Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Woody—36.

Voting nay: Senators Benitz, Bluechel, Clarke, Jones, Lewis (Harry), Matson, North, Wanamaker—8.

Excused: Senators Donohue, Murray, Newschwander, Odegard, Stortini—5.

ENGROSSED HOUSE BILL NO. 1043, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 378, by Committee on State Government (originally sponsored by Representatives Moon, Pardini, Jastad, May, Haussler, Thompson, Douthwaite, Paris and Ceccarelli):

Prescribing procedures for the collection, analysis, and reporting of statistical information on file by the state fire marshal.

The Senate resumed consideration of Engrossed Substitute House Bill No. 378. On May 23, 1975, Senator Rasmussen moved adoption of the following amendment:

On page 2, line 9, insert the following:

"NEW SECTION. Sec. 3. There is added to chapter 79, Laws of 1947 and to chapter 48.48 RCW a new section to read as follows:

The insurance commissioner may designate trained employees of the department to be vested with the same powers as police officers generally to enforce and administer the provisions of this chapter and rules and regulations adopted thereunder. The commissioner shall also have authority to contract with other state and local governmental agencies for services and personnel reasonably necessary to carry out the enforcement provisions of this chapter.

In addition to his other powers and duties, the commissioner 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 chapter."

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

Senator Pullen moved adoption of the following amendment:

On page 2, after line 8 add a new section as follows:

"NEW SECTION. Sec. 2. There is added to chapter 79, Laws of 1947 and to chapter 48.48 RCW a new section to read as follows:

In administering his duties and powers as provided by law, the state fire marshal shall make a study and compile a report relating to hazards associated with electrical wiring systems within the public schools in the state of Washington. The results of this study and the recommendations of the state fire marshal shall be submitted to the committees on ways and means of the senate and house of representatives on or before January 12, 1976."

POINT OF INQUIRY

Senator Van Hollebeke: "Would Senator Pullen yield please? Senator Pullen, do you think if we did not pass this legislation they would go ahead and make the report and carry out these duties?"

Senator Pullen: "I do not really know but I feel that this will certainly insure that we get this information."

Senator Van Hollebeke: "Thank you."

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

On motion of Senator Woody, the following amendment by Senators Woody, Lewis (R. H. "Bob"), Guess, Bluechel, Peterson, Henry and Knoblauch was adopted:

On page 2, after new sections 2 and 3, added by the Pullen and Rasmussen amendments, add the following:

"Sec. 4. Section 48.48.045, chapter 70, Laws of 1970 ex. sess. and RCW 48.48.045 are each amended to read as follows:

Standards for construction relative to fire prevention and safety for all schools under the jurisdiction of the superintendent of public instruction and state board of education shall be established by the state fire marshal, who shall adopt such nationally recognized fire and building codes and standards as may be applicable to local conditions. After the approval of such standards by the superintendent of public instruction and the state board of education, and review by the advisory board for school building systems established in RCW 28A.04.310, the fire marshal shall make or cause to be made plan reviews and construction inspections as may be necessary to insure compliance with said codes and standards.

Political subdivisions of the state having and enforcing such fire and building codes and standards at least equal to or higher than those by the state fire marshal as provided for in this section shall be exempted from the plan review and construction inspections provisions of this section within their respective subdivisions for as long as such codes and standards are enforced: *PROVIDED, That where a local official having enforcement jurisdiction over fire or building codes contends that the local code standards are equal to or higher than the state code and refuses to approve plans for new school construction or for remodeling of existing schools, previously approved by the state fire marshal, the superintendent of public instruction may request a determination by the advisory board for school building systems as to whether or not the local code in fact imposes higher standards. The advisory board is hereby directed to settle disputes and grant code waivers within ten days of such request if in its judgment the plans meet the appropriate fire and building code requirements."*

On motion of Senator Rasmussen, the following amendments to the title were considered and adopted simultaneously:

In line 1 of the title, after "marshal," and before "amending" strike "and".

In line 2 of the title, after "48.48.090" and before the period insert "; and adding new sections to chapter 79, Laws of 1947 and to chapter 48.48 RCW".

On line 1 of the title, after "," insert "amending section 48.48.045, chapter 70, Laws of 1972 ex. sess. and RCW 48.48.045;".

On motion of Senator Rasmussen, the rules were suspended, Engrossed Substitute House Bill No. 378, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 378, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; nays, 1; absent or not voting, 1; excused, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Fleming, Francis, Goltz, Gould, Grant, Guess, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, North, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—42.

Voting nay: Senator Morrison—1.

Absent or not voting: Senator Henry—1.

Excused: Senators Donohue, Murray, Newschwander, Odegard, Stortini—5.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 378, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Mardesich, Engrossed Second Substitute House Bill No. 827 was ordered to hold its place on the second reading calendar for Monday, June 2, 1975.

On motion of Senator Mardesich, Engrossed House Bill No. 176 was ordered to hold its place on the second reading calendar for Monday, June 2, 1975.

On motion of Senator Mardesich, Reengrossed House Bill No. 285 was ordered placed at the end of the second reading calendar for today.

SECOND READING

ENGROSSED HOUSE BILL NO. 354, by Representatives Randall, Sommers and Hayner (by Department of Revenue request):

Changing "tax commission" to "department of revenue" in various statutes.

The bill was read the second time by sections.

On motion of Senator Rasmussen, the rules were suspended, Engrossed House Bill No. 354 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 354, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, North, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—44.

Excused: Senators Donohue, Murray, Newschwander, Odegaard, Stortini—5.

ENGROSSED HOUSE BILL NO. 354, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Mardesich, Senate Bill No. 2965 will be considered following Substitute House Bill No. 975.

On motion of Senator Mardesich, Engrossed Substitute House Bill No. 591 will be considered following Engrossed House Bill No. 436.

SECOND READING

HOUSE JOINT MEMORIAL NO. 4, by Representatives Bond, Perry, Haussler, McCormick, Berentson, Newhouse, Zimmerman, Luders, Dunlap, Peterson, Tilly, Barnes, Amen, Brown, Hendricks, Haley, Wilson, Whiteside, Kuehnle, Hayner, Pardini, Flanagan, Paris, Curtis, Patterson, Charnley and Matthews:

Memorializing the President and the Governors of the several western states to meet in conference at Olympia for the purpose of seeking remedies for the problem of natural gas supplies.

The memorial was read the second time in full.

On motion of Senator Walgren, the rules were suspended, House Joint Memorial No. 4 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Will Senator Walgren yield to a question? Senator Walgren, it is not the intention of the Washington State Legislature by the adoption of this memorial to finance the meeting of the governors here?"

Senator Walgren: "Not to my knowledge."

Senator Rasmussen: "I would hope not. Mr. President, I would also say that if we could have some means of capturing the gas that will be generated when they meet here we might solve the gas problem."

ROLL CALL

The Secretary called the roll on the final passage of House Joint Memorial No. 4, and the memorial passed the Senate by the following vote: Yeas, 37; nays, 5; absent or not voting, 2; excused, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Francis, Goltz, Gould, Guess, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, North, Peterson, Pullen, Rasmussen, Sandison, Sellar, Talley, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—37.

Voting nay: Senators Grant, Ridder, Scott, Van Hollebeke, Woody—5.

Absent or not voting: Senators Fleming, Henry—2.

Excused: Senators Donohue, Murray, Newschwander, Odegard, Stortini—5.

HOUSE JOINT MEMORIAL NO. 4, having received the constitutional majority, was declared passed.

SECOND READING

ENGROSSED HOUSE BILL NO. 144, by Representatives Smith (Rick), Knowles and Hendricks (by Department of Motor Vehicles request):

Requiring revocation of driver's license and privileges upon conviction for failure to render aid.

REPORT OF STANDING COMMITTEE

April 15, 1975.

ENGROSSED HOUSE BILL NO. 144, requiring revocation of driver's license and privileges upon conviction for failure to render aid (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 16, after "director.]" strike the remainder of the subsection and insert "*The license or permit to drive or any nonresident privilege to drive of any person convicted under this section or any local ordinance consisting of substantially the same language as this section of failure to stop and give information or render aid following an accident with any vehicle driven or attended by any person shall be revoked by the department.*"

Signed by: Senators Francis, Chairman; Buffington, Clarke, Jones, Marsh, Scott.

The bill was read the second time by sections.

On motion of Senator Francis, the committee amendment was adopted.

On motion of Senator Francis, 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.

POINT OF INQUIRY

Senator Day: "Would Senator Francis yield? What if I was driving along the highway and it was a dark night and it was raining pretty hard, visibility was reduced, and someone tried to flag me down as if he were having difficulty? You know, I would stop. What if my wife was in the same position now? What would this bill do to her?"

Senator Francis: "There is nothing this bill would do to her, Senator. We are now talking about existing law, and existing law would not require either you or your wife to stop. It is only when you are involved in an accident and it relates to hit run, and that is where you have to give assistance. It is all found now in RCW 46.52.020 and says it relates to the driver of a vehicle involved in an accident in all three basic sections."

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 144, as amended by the Senate, the bill passed the Senate by the following vote: Yeas, 35; nays, 9; excused, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Francis, Gould, Guess, Henry, Herr, Jolly, Jones, Keefe, Knob-

lauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, North, Peterson, Pullen, Rasmussen, Sandison, Scott, Sellar, Talley, Walgren, Wanamaker, Washington—35.

Voting nay: Senators Fleming, Goltz, Grant, Matson, Ridder, Van Hollebeke, von Reichbauer, Wilson, Woody—9.

Excused: Senators Donohue, Murray, Newschwander, Odegaard, Stortini—5.

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.

SECOND READING

ENGROSSED HOUSE BILL NO. 825, by Representatives Bauer, McKibbin and Blair:

Changing amount authorized as deferred compensation for school employees.

The bill was read the second time by sections.

On motion of Senator Marsh, the rules were suspended, Engrossed House Bill No. 825 was advanced to third reading, the second reading considered 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. 825, and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 2; excused, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, North, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—42.

Absent or not voting: Senators Matson, Peterson—2.

Excused: Senators Donohue, Murray, Newschwander, Odegaard, Stortini—5.

ENGROSSED HOUSE BILL NO. 825, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Mardesich, Engrossed House Bill No. 436 was ordered to hold its place on the second reading calendar for Monday, June 2, 1975.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 591, by Committee on Commerce (originally sponsored by Representatives O'Brien, Warnke, Newhouse, Bausch and Ceccarelli):

Authorizing state funding for international trade fairs.

REPORT OF STANDING COMMITTEE

May 20, 1975.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 591, authorizing state funding for international trade fairs (reported by Committee on Ways and Means): Do pass with the following amendments:

On page 5, line 8, before "percent" strike "five" and insert "six".

On page 5, line 10 of the engrossed and printed bill after "[three]" and before "percent" strike "*five*" and insert "*four*".

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson, Second Vice Chairman; Bailey, Clarke, Fleming, Jones, Marsh, Newschwander, Rasmussen, Sandison, Scott, Washington.

The bill was read the second time by sections.

Senator Van Hollebeke moved that the Senate consider and adopt the committee amendments by the Committee on Ways and Means and the Committee on Commerce simultaneously.

POINT OF INQUIRY

Senator Talley: "Would Senator Van Hollebeke yield? Will this in any way affect the money that the fairs are getting, the county fairs and the community fairs?"

Senator Van Hollebeke: "Just a minute, Senator Talley, Yes, it reduces the percentage but I think what Ways and Means intention was, if anybody on Ways and Means can enlighten us further, as I say, nobody has communicated with me from Ways and Means on this. I think what has happened, the revenues are up all over the state on parimutuel betting and up quite a bit each of the several recent years. The percentage is changed but I would imagine that the gross dollars are about the same. It might even be a little higher. I do not know. I think that is what happened here, Senator Talley. I know the gross is up on those, on parimutuel betting so they merely reduce the percentages somewhat and put more of it into the general fund."

Senator Talley: "Thank you."

Senator Wilson: "Mr. President and Senator Van Hollebeke, my vote and it may be that other votes on this floor will depend on a more specific answer to that question. A lot of us have county fairs who are having an increasingly difficult time financially and I am suggesting that if there has been a lack of communication with you on that point, you may or may not wish to hold the bill until Monday until that point can be cleared up, because to some of us it is an important one."

Senator Van Hollebeke: "I believe I have the answer here to that. It does not change the amount going to the state trade fair, to the county fairs. That statute still remains. The remaining thirty percent shall be paid to the State Treasurer for the fair fund and I think that is the normal county fair fund. It does not change that amount, as I read it. You see, as I said, the remaining eighty percent—the first twenty percent of the whole amount coming out of parimutuel betting goes to the Racing Commission for expenses and so forth. Then the remaining eighty percent is distributed in various ways. It was forty-five percent of it to the general fund and it increases that to forty-six, only changes that by one percent, and then it takes five percent that was previously given to international trade fairs and reduces it to four percent, so I think the net effect is to increase the amount to county fairs. I wish that somebody on Ways and Means who helped vote these two amendments in would enlighten us so we can pass the bill now. Is there anybody on Ways and Means that worked on these two amendments?"

Senator Beck: "I will attempt to help you there, Senator Van Hollebeke. No, I am not on Ways and Means but I am very familiar with that fair fund. Twenty percent of all the gross revenues take in at the parimutuel machines plus the licenses that the people have to buy to race horses in this state goes into horse racing. They collect that."

Senator Van Hollebeke: "No, that is not quite correct, Senator Beck."

Senator Beck: "They keep twenty percent to administer their activities. Thirty percent goes to the state fair fund where the counties get their funds. There is forty-five percent that goes to the general fund and five percent to the international trade fairs. Now I did not know, you say that you are raising that to forty-six percent in the general fund and four percent to the trade fair. That is a new distribution but this in no way affects the county fair fund, Senator Wilson."

Senator Van Hollebeke: "They still get thirty percent and the thirty percent is increasing so I think that you read that part accurately."

Senator Talley: "I have found some literature I had on it. 'House Bill 591 is a very

important piece of legislation. Inflation has cut deeply into the capabilities of the Washington State International Trade Fair to provide an appropriate level of overseas trade promotion. Whereas the fund provided in 1965 may have been adequate, this is no longer true. The measure costs no tax money. It does not affect the distribution of funds for state fairs administered by the Director of Agriculture and is worthy of legislative support, so it does not affect the state fairs. Now I do not know how it would affect the community fairs."

Senator Van Hollebeke: "The community fairs?"

Senator Talley: "Yes."

Senator Van Hollebeke: "The county fairs? It does not affect them. If you read the last ten or twelve lines of the bill, that section or statute is not affected in any way. It reads, 'that the remaining thirty percent shall be paid to the State Treasurer who is made an ex officio member of the treasury fund to be known as the fair fund which shall be maintained as a separate and independent fund outside of the state treasury and made available to the Director of Agriculture for the sole purpose of assisting fairs in the manner prescribed in Title 15,' and so forth. That is the county fairs so it does not affect them. I think that answers the question."

Senator Beck: "Senator Talley, in answer to your question, the thirty percent which goes into the state fair fund is where the community fairs get their money. It in no way affects that."

POINT OF INQUIRY

Senator Scott: "Would Senator Van Hollebeke yield? Can you tell us a little bit more about why it is thought appropriate to have—that we need four legislators aboard in an advisory capacity? And exactly how much it is likely to cost us?"

Senator Van Hollebeke: "They are ex officio members, two from each side and it is the only way to get a good bipartisan effort here. I think the general idea was to tap the great wisdom and intelligence on both sides of this aisle."

Senator Scott: "The question was, what are these people exactly supposed to bring to the trade fair in the way of expertise that it does not already have?"

Senator Van Hollebeke: "Wisdom, intelligence, I said, and to keep them from going wild with the money, to keep a better handle on fiscal matters, to make the whole state of Washington more fiscally responsible, I think."

MOTION

On motion of Senator Day, Engrossed Substitute House Bill No. 591, together with the pending committee amendments, was ordered to hold its place on the second reading calendar for Monday, June 2, 1975.

SECOND READING

ENGROSSED HOUSE BILL NO. 1035, by Representatives Kilbury, Savage, Charnley and Hawkins:

Removing non-application of environmental impact report to thermal power plant sites.

The bill was read the second time by sections.

On motion of Senator Walgren, the rules were suspended, Engrossed House Bill No. 1035 was advanced to third reading, the second 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. 1035, and the bill passed the Senate by the following vote: Yeas, 44; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, North, Peterson, Puller, Rasmussen, Ridder, Sandison,

Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—44.

Excused: Senators Donohue, Murray, Newschwander, Odegard, Stortini—5.

ENGROSSED HOUSE BILL NO. 1035, having received the constitutional majority, 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. 154, by Representative Nelson:
Revising regulations on charitable solicitation.

REPORT OF STANDING COMMITTEE

May 16, 1975.

ENGROSSED HOUSE BILL NO. 154, revising regulations on charitable solicitation (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and substitute:

"Section 1. Section 21, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.210 are each amended to read as follows:

(a) Within ninety days following the close of its fiscal year every charitable organization which is required to file a registration statement under RCW 19.09.060 and which has received contributions during the previous fiscal year shall file with the director financial statement [, verified by an independent public accountant,] containing, but not limited to, the following information:

(1) The gross amount of the contributions pledged and the gross amount collected.

(2) The amount thereof, given or to be given to charitable purposes represented together with details as to the manner of distribution as may be required either by general rule or by specific written request of the director.

(3) The aggregate amount paid and to be paid for the expenses of such solicitation.

(4) The amounts paid to and to be paid to professional fund raisers and solicitors.

(5) Copies of any annual or periodic reports furnished by the charitable organization, of its activities during or for the same fiscal period, to its parent organization, subsidiaries, or affiliates, if any.

(b) The director may prescribe such forms as may be necessary or convenient for the furnishing of such information. In addition, the director may require that within thirty days after the close of any special period of solicitation the charitable organization conducting such solicitation shall file a special report containing the information specified in this section for such special period of solicitation."

In the title, page 1, line 1, strike everything after "AN ACT" down to the period on line 6 and substitute "Relating to charitable solicitations; and amending section 21, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.210".

Signed by: Senators Francis, Chairman; Clarke, Fleming, Jones, Van Hollebeke, Woody.

The bill was read the second time by sections.

On motion of Senator Francis, the committee amendment was adopted.

On motion of Senator Francis, the committee amendment to the title was adopted.

On motion of Senator Francis, the rules were suspended, Engrossed House Bill No. 154, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Wilson: "Would Senator Francis yield? Senator Francis, am I correct in assuming then that the only change this bill makes in existing law is the elimination of the audit requirement?"

Senator Francis: "Yes, Senator Wilson, except to the extent that I would call it a modification of the audit requirement, it is not eliminated entirely."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 154, 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 Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, North, Pullen, Rasmussen, Ridder, Sandison, Scott, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—41.

Absent or not voting: Senators Matson, Peterson, Sellar—3.

Excused: Senators Donohue, Murray, Newschwander, Odegaard, Stortini—5.

ENGROSSED HOUSE BILL NO. 154, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 962, by Representatives Kilbury and Amen:
Revising laws on agriculture inspection.

REPORT OF STANDING COMMITTEE

April 10, 1975.

HOUSE BILL NO. 962, revising laws on agriculture inspection (reported by Committee on Agriculture):

Recommendation: Do pass with the following amendments:

On page 2, line 6, after "*provisions of*" strike "*RCW 15.13.010 through 15.13.950*" and insert "*chapter 15.13 RCW*".

On page 2, line 24, after "*provisions of*" strike "*RCW [15.48.010] 15.49.010 through [15.48.200] 15.49.940*" and insert "*[RCW 15.48.010 through 15.48.260] chapter 15.49 RCW and*".

On page 4, line 30, after "*dollars*" and before the period insert "*: PROVIDED, That if such commercial feed is also distributed in packages of less than ten pounds they shall be registered under subsection (b) of this section*".

On page 4, line 31, after "*1976*," strike "*any person who distributes*" and insert "*each annual brand registration for*".

On page 4, line 32, after "*feed*" and before "*in*" insert "*distributed*".

On page 4, line 32, after "*shall*" strike "*pay*" and insert "*be accompanied by*".

On page 5, line 6, after "*renewable*" strike "*as provided in [(1)(b) of] this section*" and insert "*[as provided in (1)(b) of this section]*".

On page 5, line 30, after "*each*" and before "*distributor*" insert "*initial*".

On page 6, line 22, after "*registrant*" and before "*who*" insert "*or initial distributor*".

On page 9, line 4, after "*provisions of*" strike "*RCW 15.53.010 through [15.53.900] 15.53.9056*" and insert "*[RCW 15.53.010 through 15.53.900] chapter 15.53 RCW*".

On page 10, line 35, after "*provisions of*" strike "*RCW 15.54.010 through [15.54.250 and 15.54.900] 15.54.470*" and insert "*[RCW 15.54.010 through 15.54.250 and 15.54.900] chapter 15.54 RCW*".

On page 11, line 20, after "*Sec. 13.*" strike "*This 1975 amendatory act*" and insert "*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*".

In line 20 of the title, after "*15.53.9034*," strike "*and*".

In line 21 of the title, after "*date*" and before the period insert "*; and declaring an emergency*".

Signed by: Senators Jolly, Chairman; Benitz, Day, Sellar, Wilson.

The bill was read the second time by sections.

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

On motion of Senator Jolly, the committee amendments to the title were adopted.

On motion of Senator Jolly, the rules were suspended, House Bill No. 962, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 962, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, North, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—44.

Excused: Senators Donohue, Murray, Newschwander, Odegaard, Stortini—5.

HOUSE BILL NO. 962, 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, Second Substitute House Bill No. 1007 was ordered placed at the end of today's second reading calendar.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 427, by Committee on Transportation and Utilities (originally sponsored by Representatives Patterson, Hansen, Gaines and Gilleland) (by Executive request):

Making appropriations for highways.

REPORT OF STANDING COMMITTEE

May 19, 1975.

SUBSTITUTE HOUSE BILL NO. 427, making appropriations for highways (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, beginning on line 6, strike everything after the enacting clause and insert the following:

"*NEW SECTION.* Section 1. The budget of the Washington state highway commission is hereby adopted and, subject to the provisions hereinafter set forth, the several amounts hereinafter specified, or so much thereof as shall be necessary to accomplish the purposes designated, are hereby appropriated from the motor vehicle fund to the state highway commission and are authorized to be disbursed for salaries, wages, and other state highway commission expenses for obligations incurred and not paid as of July 1, 1975, for capital projects and for other specified purposes for the biennium ending June 30, 1977:

PROGRAM C, CONSTRUCTION

For the location, design, right of way, and construction of state highways, including state highways in urban areas in accordance with RCW 47.26.040 through 47.26.070, and for improvement and construction of buildings, other highway plant structures and ferry and toll facilities, and for associated supervision and direct support \$355,261,659 consisting of \$120,781,329 from state funds, \$233,380,330 from federal funds, and \$1,100,000 from local funds; and a reappropriation of \$12,000,000 from state funds: PROVIDED, That the appropriation contained in this section for Program C, "Construction" shall include the proceeds of bonds authorized by RCW 47.26.400

through 47.26.407 remaining unsold on July 1, 1975, but not to exceed \$35,000,000: PROVIDED, That the state highway commission may transfer any funds authorized within this appropriation to Program M, Physical Maintenance and Operations, for expenditure: PROVIDED FURTHER, That the state highway commission through the biennium ending June 30, 1977, is directed to exercise its authority under the priority programming law and may digress therefrom with discretion and flexibility to utilize effectively state and federal funds available for highway purposes: PROVIDED FURTHER, That the highway commission is hereby authorized and directed to expend \$535,000, or so much thereof as may be necessary, to complete right of way acquisition and to construct a northbound off-ramp from state route 5 at south 72nd street: PROVIDED FURTHER, That the highway commission is hereby authorized and directed to expend \$300,000, or so much thereof as may be necessary, for right of way acquisition, design, and construction of a bicycle trail and bridge over the Naches river in the vicinity of the Selah interchange on state route 82, but no part of the appropriation contained in this proviso shall be expended until the interagency committee for outdoor recreation and Yakima county shall each enter into an agreement with the highway commission providing that the interagency committee and Yakima county together shall reimburse to the highway commission sums equal to one-half the sums expended by the highway commission pursuant to this appropriation: PROVIDED FURTHER, That the highway commission is hereby authorized and directed to expend \$3,500,000, or so much thereof as may be necessary, for design and construction of state route 26 between Washtucna and Mullen: PROVIDED FURTHER, That the highway commission is hereby authorized and directed to expend \$4,750,000, or so much thereof as may be necessary, for necessary approach roadways, design and construction of a high level bridge to replace bridge number 20-211N on state route 20 between state route 5 and state route 20S: PROVIDED FURTHER, That the highway commission is hereby authorized and directed to expend \$1,000,000 or so much thereof as may be necessary for design, right of way acquisition and construction of state route 20 between Libbey Road and Goldie Road at Oak Harbor: PROVIDED FURTHER, That the highway commission is hereby authorized and directed to expend \$2,500,000 or so much thereof as may be necessary for design and construction of a bridge over the Snake River and the necessary approach roadways on state route 193: PROVIDED FURTHER, That if Senate Bill No. 2159 is not enacted into law during the 1975 1st extraordinary session and signed by the governor, no funds authorized by the specific project appropriations contained in the provisos in this section shall be available for expenditure: PROVIDED FURTHER, That no funds appropriated in this section shall be expended for construction of Project No. 61127A on state route 276 as shown in the document published by the Washington state highway commission entitled 'Highway Construction Projects in the 1975-1977 Biennium by Legislative District' dated February 1, 1975, until completion of a further review of the highway transportation requirements in the Pullman area by the highway commission.

PROGRAM M, PHYSICAL MAINTENANCE AND OPERATIONS

For Program M maintenance and operations of state highways, maintenance and operation of highway plant, and associated supervision and direct support . . . \$97,084,502 consisting of \$95,466,476 from state funds and \$1,618,026 from local funds: PROVIDED, That the state highway commission may transfer any funds authorized within this appropriation to Program C, Construction, for expenditure.

PROGRAM P, GENERAL SUPERVISION, PLANNING AND RESEARCH

For the operations of the Washington state highway commission, department of highways, including programs for executive management and general support, highway planning surveys and research by the Washington state highway commission and for research and studies approved by the Washington state highway commission and the legislative transportation committee or the standing transportation and utilities committees of the senate and house. Also, for any necessary increase in stores; for necessary pit and stockpile sites and write-off of obsolete pits and stockpiles . . . \$25,859,886 consisting of \$20,430,907 from state funds and \$5,428,979 from federal funds: PROVIDED, That the state highway commission may transfer any funds authorized within this appropriation

to Program C, Construction, or Program M, Maintenance and operations, for expenditure.

The legislature finds that the highway commission has made significant management improvements to date in the development and utilization of work standards and similar criteria for determining both operational and support personnel requirements in all programs. It is the intent of the legislature that the highway commission devote special attention to the continued evolution and refinement of such criteria during execution of the 1975-77 biennium budget; and to prepare the 1977-79 biennium budget request based on such refined criteria.

NEW SECTION. Sec. 2. The budget for the urban arterial board is hereby adopted and there is hereby appropriated from the urban arterial trust account in the motor vehicle fund to the urban arterial board for the biennium ending June 30, 1977, . . . \$43,101,804 or so much thereof as may be necessary for implementing and administering the program of financial assistance to cities and counties in urban areas for urban arterial highways, roads and streets: **PROVIDED**, That said appropriation shall include \$20,000,000 from the proceeds from the sale of first authorization bonds provided for by RCW 47.26.420 through 47.26.427 and shall further include \$5,000,000 from the proceeds from the sale of series II bonds as provided for by RCW 47.26.420 through 47.26.427: **PROVIDED FURTHER**, That in event proceeds of motor vehicle fuel tax revenue distributed in accordance with RCW 82.36.020 are insufficient to meet debt service requirements on bonds sold in accordance with RCW 47.26.420, funds for such debt service deficits shall be provided in accordance with RCW 47.26.425 and 47.26.426: **PROVIDED FURTHER**, That during the 1975-77 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 eighteen months of authorization.

NEW SECTION. Sec. 3. There is hereby appropriated to the Washington toll bridge authority for the biennium ending June 30, 1977, from the Puget Sound reserve account in the motor vehicle fund . . . \$4,031,801 or so much thereof as may be necessary to carry out the provisions of RCW 47.60.420, and from the Puget Sound capital construction account in the motor vehicle fund . . . \$12,122,737 or so much thereof as may be necessary to design and construct new, or modify existing ferry vessels and terminals, and to plan and improve transportation facilities for the crossing of Puget Sound and any of its tributary waters, and from the Puget Sound ferry operations account in the motor vehicle fund . . . \$3,352,829 or so much thereof as may be necessary for the operation and maintenance of the ferry system to supplement tolls, and from the motor vehicle fund . . . \$7,803,160 or so much thereof as may be necessary to supplement the appropriation from the Puget Sound ferry operations account contained in this section: **PROVIDED FURTHER**, That the Washington state toll bridge authority shall provide year-round ferry service on the Port Townsend-Keystone route from funds appropriated in this section for the operation and maintenance of the ferry system to supplement ferry tolls.

NEW SECTION. Sec. 4. There is hereby appropriated from the general fund to the Washington state highway commission for the biennium ending June 30, 1977, . . . \$422,000 for supportive services to off-the-job training programs for minority highway construction workers and for minority contractors' training programs: **PROVIDED**, That this appropriation or so much thereof as shall be necessary shall be expended on or before June 30, 1977, and shall be fully reimbursable from federal funds authorized by P.L. 91-6.5, Title 1.

NEW SECTION. Sec. 5. There is hereby reappropriated from the motor vehicle fund to the Washington state highway commission . . . \$83,000 or so much thereof as may be necessary for the purpose of purchasing compensable ownership, if any, in the existing terminal facilities of Olympic Ferries, Inc. and such other assets as the Washington toll bridge authority and state highway commission deem necessary to carry out the provisions of chapter 44, Laws of 1972 ex. sess.

NEW SECTION. Sec. 6. There is hereby appropriated from the motor vehicle fund to the Washington state highway commission for the biennium ending June 30, 1977, the

sum of \$77,000 or so much thereof as may be necessary to continue the agreement, in accordance with the provisions of RCW 47.56.720, between Wahkiakum county and the state highway commission for the operation and maintenance of the Puget Island ferry.

NEW SECTION. Sec. 7. (1) Notwithstanding the provisions of RCW 43.79.260 through RCW 43.79.280, if federal funds in excess of the \$238,809,309 contained in the appropriations to the state highway commission are received by the state of Washington for highway purposes, and the federal notification thereof is in excess of one million dollars in biennial expenditures, the highway commission shall determine, after consultation with the standing committees on transportation and utilities of the house and senate, the extent to which the receipt of such federal funds will impact on total biennium appropriations and budgeted expenditures of state revenues in the motor vehicle fund.

(2) The highway commission shall submit to the governor, as appropriate, either a statement requesting an increase in the biennium appropriations and an allotment amendment to authorize expenditures of such funds in addition to appropriations provided by law, or a statement requesting an allotment amendment to authorize the expenditure of such funds in lieu of state revenues in the motor vehicle fund within the total appropriation provided by law. A copy of the request shall be submitted to the standing committees on transportation and utilities of the house and senate. If the governor approves the highway commission request, he shall transmit one approved copy to the highway commission and identical copies to the standing committees on transportation and utilities of the house and senate.

NEW SECTION. Sec. 8. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 9. 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 Walgren, Chairman; Beck, Benitz, Bluechel, Bottiger, Guess, Jolly, Knoblauch, Morrison, Wanamaker.

The bill was read the second time by sections.

On motion of Senator Bottiger, the committee amendment was not adopted.

Senator Bottiger moved adoption of the following amendment by Senators Walgren and Bottiger:

On page 1, beginning on line 6, strike everything after the enacting clause and insert the following:

"NEW SECTION. Section 1. The budget of the Washington state highway commission is hereby adopted and, subject to the provisions hereinafter set forth, the several amounts hereinafter specified, or so much thereof as shall be necessary to accomplish the purposes designated, are hereby appropriated from the motor vehicle fund to the state highway commission and are authorized to be disbursed for salaries, wages, and other state highway commission expenses for obligations incurred and not paid as of July 1, 1975, for capital projects and for other specified purposes for the biennium ending June 30, 1977:

PROGRAM C, CONSTRUCTION

For the location, design, right of way, and construction of state highways, including state highways in urban areas in accordance with RCW 47.26.040 through 47.26.070, and for improvement and construction of buildings, other highway plant structures and ferry and toll facilities, and for associated supervision and direct support . . . \$355,-261,659 consisting of \$120,781,329 from state funds, \$233,380,330 from federal funds, and \$1,100,000 from local funds; and a reappropriation of \$12,000,000 from state funds (but said reappropriation shall not exceed the unexpended balance of the appropriation to the highway commission contained in section 1, chapter 222, Laws of 1973 1st sess.): **PROVIDED,** That the appropriation contained in this section for Program C, "Construction" shall include the proceeds of bonds authorized by RCW 47.26.400 through 47.26.407 remaining unsold on July 1, 1975, but not to exceed \$35,000,000: **PROVIDED,** That the state highway commission may transfer any funds authorized within this appropriation to Program M, Physical Maintenance and Operations, for

expenditure: PROVIDED FURTHER, That the state highway commission through the biennium ending June 30, 1977, is directed to exercise its authority under the priority programming law and may digress therefrom with discretion and flexibility to utilize effectively state and federal funds available for highway purposes:

PROVIDED FURTHER, That the highway commission is hereby authorized and directed to expend \$500,000, or so much thereof as may be necessary, to complete right of way acquisition and to construct a northbound off-ramp from state route 5 at south 72nd street: PROVIDED FURTHER, That the highway commission is hereby authorized and directed to expend \$300,000, or so much thereof as may be necessary, for right of way acquisition, design, and construction of a bicycle trail and bridge over the Naches river in the vicinity of the Selah interchange on state route 82, but no part of the appropriation contained in this proviso shall be expended until the interagency committee for outdoor recreation and Yakima county shall each enter into an agreement with the highway commission providing that the interagency committee and Yakima county together shall reimburse to the highway commission sums equal to one-half the sums expended by the highway commission pursuant to this appropriation: PROVIDED FURTHER, That the highway commission is hereby authorized and directed to expend \$2,500,000, or so much thereof as may be necessary, for design and construction of state route 26 between Washtucna and Mullen:

PROVIDED FURTHER, That the highway commission is hereby authorized and directed to expend \$800,000 or so much thereof as may be necessary for design, right of way acquisition and construction of state route 20 between Libbey Road and Goldie Road at Oak Harbor: PROVIDED FURTHER, That the highway commission is hereby authorized and directed to expend \$2,500,000 or so much thereof as may be necessary for design and construction of a bridge over the Snake River and the necessary approach roadways on state route 193:

PROVIDED FURTHER, That there is appropriated to the highway commission from the motor vehicle fund for the biennium ending June 30, 1977, the sum of \$1,700,000 or so much thereof as may be necessary to design and construct a bridge, replacing bridge number 20-211N on state route 20 between state route 5 and state route 20S, together with necessary approach roadways, said appropriation to be expended only in the event federal special bridge replacement program funds become available to this state (in addition to any such funds now committed by the department of highways for bridge replacement projects) and are authorized by the federal highway administration to pay seventy-five percent of this appropriation:

PROVIDED FURTHER, That if Senate Bill No. 2159 is not enacted into law during the 1975 1st extraordinary session and signed by the governor, no funds authorized by the specific project appropriations contained in the provisos in this section shall be available for expenditure:

PROVIDED FURTHER, That no funds appropriated in this section shall be expended for construction of Project No. 61127A on state route 276 as shown in the document published by the Washington state highway commission entitled 'Highway Construction Projects in the 1975-1977 Biennium by Legislative District' dated February 1, 1975, until completion of a further review of the highway transportation requirements in the Pullman area by the highway commission.

PROGRAM M, PHYSICAL MAINTENANCE AND OPERATIONS

For Program M maintenance and operations of state highways, maintenance and operation of highway plant, and associated supervision and direct support . . . \$97,084,502 consisting of \$95,466,476 from state funds and \$1,618,026 from local funds: PROVIDED, That the state highway commission may transfer any funds authorized within this appropriation to Program C, Construction, for expenditure.

PROGRAM P, GENERAL SUPERVISION, PLANNING AND RESEARCH

For the operations of the Washington state highway commission, department of highways, including programs for executive management and general support, highway planning surveys and research by the Washington state highway commission and for research and studies approved by the Washington state highway commission and the legis-

lative transportation committee or the standing transportation and utilities committees of the senate and house. Also, for any necessary increase in stores; for necessary pit and stockpile sites and write-off of obsolete pits and stockpiles . . . \$25,859,886 consisting of \$20,430,907 from state funds and \$5,428,979 from federal funds: PROVIDED, That the state highway commission may transfer any funds authorized within this appropriation to Program C, Construction, or Program M, Maintenance and Operations, for expenditure: PROVIDED FURTHER, That the highway commission may expend state collected revenues appropriated under Program P, General Supervision, Planning and Research for special studies conducted by the Puget Sound Council of Governments at the request of the highway commission, but shall not expend any state collected funds appropriated by this act to pay for any portion of the regular annual work program of the Puget Sound Council of Governments for the biennium ending June 30, 1977.

The legislature finds that the highway commission has made significant management improvements to date in the development and utilization of work standards and similar criteria for determining both operational and support personnel requirements in all programs. It is the intent of the legislature that the highway commission devote special attention to the continued evolution and refinement of such criteria during execution of the 1975-77 biennium budget; and to prepare the 1977-79 biennium budget request based on such refined criteria.

NEW SECTION. Sec. 2. The budget for the urban arterial board is hereby adopted and there is hereby appropriated from the urban arterial trust account in the motor vehicle fund to the urban arterial board for the biennium ending June 30, 1977, . . . \$43,101,804 or so much thereof as may be necessary for implementing and administering the program of financial assistance to cities and counties in urban areas for urban arterial highways, roads and streets: PROVIDED, That said appropriation shall include \$20,000,000 from the proceeds from the sale of first authorization bonds provided for by RCW 47.26.420 through 47.26.427 and shall further include \$5,000,000 from the proceeds from the sale of series II bonds as provided for by RCW 47.26.420 through 47.26.427: PROVIDED FURTHER, That in event proceeds of motor vehicle fuel tax revenue distributed in accordance with RCW 82.36.020 are insufficient to meet debt service requirements on bonds sold in accordance with RCW 47.26.420, funds for such debt service deficits shall be provided in accordance with RCW 47.26.425 and 47.26.426: PROVIDED FURTHER, That during the 1975-77 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 eighteen months of authorization.

NEW SECTION. Sec. 3. There is hereby appropriated to the Washington toll bridge authority for the biennium ending June 30, 1977, from the Puget Sound reserve account in the motor vehicle fund . . . \$4,031,801 or so much thereof as may be necessary to carry out the provisions of RCW 47.60.420, and from the Puget Sound capital construction account in the motor vehicle fund . . . \$12,122,737 or so much thereof as may be necessary to design and construct new, or modify existing ferry vessels and terminals, and to plan and improve transportation facilities for the crossing of Puget Sound and any of its tributary waters, and from the Puget Sound ferry operations account in the motor vehicle fund . . . \$11,155,989 or so much thereof as may be necessary for the operation and maintenance of the ferry system to supplement tolls: PROVIDED, That if SSB 2159 is not enacted into law during the 1975 1st extraordinary session and signed by the governor the appropriation from the Puget Sound ferry operations account shall be \$3,352,829, or so much thereof as may be necessary, for operation and maintenance of the ferry system to supplement tolls, and from the motor vehicle fund . . . \$7,803,160 or so much thereof as may be necessary to supplement the appropriation from the Puget Sound ferry operations account contained in this section: PROVIDED FURTHER, That if chapter . . . (SSB 2159), Laws of 1975 1st ex. sess. is enacted into law during the 1975 1st extraordinary session and signed by the governor no funds appropriated in this section from the motor vehicle fund to supplement the appropriation from the Puget Sound ferry operations account shall be available for expenditure: PROVIDED FURTHER, That the Washington state toll bridge authority

shall provide year-round ferry service on the Port Townsend-Keystone route from funds appropriated in this section for the operation and maintenance of the ferry system to supplement ferry tolls.

NEW SECTION. Sec. 4. There is hereby appropriated from the general fund to the Washington state highway commission for the biennium ending June 30, 1977, . . . \$422,000 for supportive services to off-the-job training programs for minority highway construction workers and for minority contractors' training programs: PROVIDED, That this appropriation or so much thereof as shall be necessary shall be expended on or before June 30, 1977, and shall be fully reimbursable from federal funds authorized by P.L. 91-6.5, Title 1.

NEW SECTION. Sec. 5. There is hereby reappropriated from the motor vehicle fund to the Washington state highway commission . . . \$83,000 or so much thereof as may be necessary for the purpose of purchasing compensable ownership, if any, in the existing terminal facilities of Olympic Ferries, Inc. and such other assets as the Washington toll bridge authority and state highway commission deem necessary to carry out the provisions of chapter 44, Laws of 1972 ex. sess.

NEW SECTION. Sec. 6. There is hereby appropriated from the motor vehicle fund to the Washington state highway commission for the biennium ending June 30, 1977, the sum of \$77,000 or so much thereof as may be necessary to continue the agreement, in accordance with the provisions of RCW 47.56.720, between Wahkiakum county and the state highway commission for the operation and maintenance of the Puget Island ferry.

NEW SECTION. Sec. 7. (1) Notwithstanding the provisions of RCW 43.79.260 through RCW 43.79.280, if federal funds in excess of the \$238,809,309 contained in the appropriations to the state highway commission are received by the state of Washington for highway purposes, and the federal notification thereof is in excess of one million dollars in biennial expenditures, the highway commission shall determine, after consultation with the standing committees on transportation and utilities of the house and senate, the extent to which the receipt of such federal funds will impact on total biennium appropriations and budgeted expenditures of state revenues in the motor vehicle fund.

(2) The highway commission shall submit to the governor, as appropriate, either a statement requesting an increase in the biennium appropriations and an allotment amendment to authorize expenditures of such funds in addition to appropriations provided by law, or a statement requesting an allotment amendment to authorize the expenditure of such funds in lieu of state revenues in the motor vehicle fund within the total appropriation provided by law. A copy of the request shall be submitted to the standing committees on transportation and utilities of the house and senate. If the governor approves the highway commission request, he shall transmit one approved copy to the highway commission and identical copies to the standing committees on transportation and utilities of the house and senate.

NEW SECTION. Sec. 8. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 9. 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 Morrison moved the following amendment by Senators Morrison, Walgren and Bottiger to the amendment by Senators Walgren and Bottiger be adopted:

On page 1, line 21 after "support . . ." strike "\$355,261,659" and insert "\$363,-480,330" and after "of" strike "\$120,781,329" and insert "\$129,000000"

MOTION

On motion of Senator Lewis (Harry), Substitute House Bill No. 427, together with the pending amendment by Senators Walgren and Bottiger and the amendment to the amendment by Senators Morrison, Walgren and Bottiger, was ordered placed at the end of today's second reading calendar.

SECOND READING

HOUSE BILL NO. 383, by Representatives Randall, Brown and Luders:

Permitting salaries to be set out in total amount under each budget class in a school district preliminary budget.

The bill was read the second time by sections.

On motion of Senator Woody the rules were suspended, House Bill No. 383 was advanced to third reading, the second 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. 383, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 1; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Fleming, Francis, Goltz, Gould, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Newschwander, North, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—44.

Absent or not voting: Senator Grant—1.

Excused: Senators Donohue, Murray, Odegaard, Stortini—4.

HOUSE 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 Herr, Engrossed Substitute House Bill No. 207 was ordered to hold its place on the second reading calendar for Monday, June 2, 1975.

MOTION

At 12:30 p.m., on motion of Senator Mardesich, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 975, by Committee on Education (originally sponsored by Representative McKibbin):

Requiring notice of nonrenewal of teacher's supplemental contract.

The bill was read the second time by sections.

Senator Gould moved adoption of the following amendment:

On page 1, line 15, after "*contract*" insert "*covering the services of such person as an athletic coach*".

POINT OF INQUIRY

Senator Odegaard: "Senator Gould, you said your amendment would make it cover just coaching positions?"

Senator Gould: "Yes."

Senator Odegaard: "Then any of the other supplemental contracts would not fall within the purview of this bill, is that right?"

Senator Gould: "Right."

Senator Odegaard: "What was the reason for that again?"

Senator Gould: "The reason is that most of the other positions are jobs that do not

require specific background or educational abilities. We are talking about people who are supervisors of the bus patrol in the elementary school or people who are ticket takers at football games, and those are people that sometimes you just really do not know whether those jobs will be allocated by June 30 of the previous year and really do not require any special qualifications.

Senator Odegaard: "There are other kinds of jobs though that do take special kind of training that fall under the supplemental contract, such as a teacher who is trained in the dramatics area who is responsible for putting on various kinds of plays, class plays. You would not want to throw just any teacher into that kind of thing. Another example might be the journalism, trained in journalism, and maybe an extracurricular part might be putting out a high school newspaper or the annual, that kind of thing. I think this would cover much more than just coaching."

Senator Gould: "Senator Odegaard, if I may answer that, you are right. Those positions do require, but they are not the ones with the problems because teachers who have supplemented contracts having to do with drama or with music are hired on the basis that that is their program and it just comes along with their general class work. However, the athletic coach is really supplemental to his teaching position in the district and this is where the real problem is that I think the bill is trying to address."

Senator Odegaard: "Mr. President, it has been several years now since I have been involved in a K-12 area, but recalling back, it seems like I can recall supplemental contracts being given to teachers though in the other areas, special contracts in those special areas, not just in coaching."

Senator Gould: "I did not mean that they were not given supplemental contracts. What I meant was that their supplemental contract really goes along with their classroom assignment. A drama teacher teaches English that is called drama. Along with that, they perhaps give a school play. The school play part is a supplemental contract but it really goes with his teaching assignment so you are not changing that assignment around as you are an athletic coach assignment. They are under contract. You are right about that."

Senator Odegaard: "Coaches oftentimes are involved in teaching physical education which falls in line pretty much with coaching, or at least the same kind of subject matter, which would be the same as drama and the extracurricular work in drama, such as giving school plays, the same in teaching journalism and maybe putting out a paper. It all falls in line. I still do not see the difference."

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Gould yield to a question? Senator Gould, what has been the practice prior to this? Have they issued supplemental contracts; have they required ninety days' notice of discontinuance in the school districts?"

Senator Gould: "I cannot tell you what the practice has been all over, no."

Senator Rasmussen: "This is new since I was a school director and you are now one."

Senator Gould: "You mean supplemental contracts, Senator?"

Senator Rasmussen: "Yes. When do you issue them now? When can you terminate them? I think you can terminate them at any time, can't you?"

Senator Gould: "I could not give you an answer on that part, Senator. They are issued, as far as I know, at the same time regular contracts are issued except in cases where there may be a new appointment and they are going to issue it in the summer. For instance, last year one of our coaches resigned. We hired a new coach, appointed a new coach, and he of course got his contract when he was appointed which was a little bit later in the year."

Senator Rasmussen: "I am inclined to agree with Senator Clarke on the ultimate fate of this, where it should go."

POINT OF INQUIRY

Senator Mardesich: "Will Senator Gould yield? Senator Gould, what is the necessity for the bill at all?"

Senator Gould: "I am not defending the bill, Senator. I frankly do not think there is a necessity for the bill. I am very much apprehensive about this bill if it does pass."

Further debate ensued.

POINT OF INQUIRY

Senator Ridder: "Would Senator Gould yield? I am interested in the terminology that says 'such person as an athletic coach.' If you really intended it only to be an athletic coach, would it not be simpler to say that?"

Senator Gould: "Perhaps it would. I just asked that the amendment be written up and I did not question that particular . . ."

Senator Ridder: "If you feel that is really an exclusive area, I would suggest that an oral amendment might be in order to limit it that way."

Senator Gould: "That is fine with me."

Senator Ridder: "Rather than saying 'such person as an athletic coach' it would be 'covering the services of an athletic coach.'"

Senator Gould: "Your amendment then would strike the words 'of such persons as'?"

Senator Ridder: "Not 'of'. 'Services of an athletic coach,' so it would be 'such person as' in both the amendments offered."

Senator Gould: "Fine."

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

Amend the Gould amendment to page 1, line 15, as follows: After "*services of*" strike "*such person as*".

Further debate ensued.

The motion by Senator Gould carried and the amendment, as amended, was adopted.

Senator Lewis (Harry) moved adoption of the following amendment:

On page 1, line 17, after "*year*:" strike all the matter through "*contract*:" on line 19.

POINT OF INQUIRY

Senator Odegaard: "I really wonder, Senator Lewis, what is so wrong in listing some reasons. If I had a supplemental contract and all of a sudden I received a notice that I would no longer have that for the next school year I would kind of like to know the reason, just as a matter of courtesy. Don't you think that would be fair, Senator Lewis?"

Senator Lewis (Harry): "I will answer your question as directly as I am able, Senator Odegaard. I think it is a question of whether you want to make a management decision or not and I can understand that you would not want to make that decision, but the decision is being made by management and the employee is entitled to notice but I do not think is necessarily entitled to a reason which then could be used by a business agent as an argumentative forum. For example, I can see a small school district that does not have a lot of legal knowledge on the school board or through the superintendent putting a reason on a notice that would just not be satisfactory to that teacher."

The motion by Senator Lewis (Harry) carried and the amendment was adopted.

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

On page 1, after line 22 insert a new section as follows:

"*NEW SECTION. Sec. 2. This act shall take effect on July 1, 1976.*"

On motion of Senator Gould, the following amendment to the title was adopted:

On page 1, line 1 of the title, after "*contracts*;" strike "*and*" and on line 3 of the title, after "*28A.67.074*" insert "*;*" and prescribing an effective date".

On motion of Senator Marsh, the rules were suspended, Substitute House Bill No. 975, 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. 975,

as amended by the Senate, and the bill failed to pass the Senate by the following vote: Yeas, 9; nays, 35; absent or not voting, 3; excused, 2.

Voting yea: Senators Henry, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Sandison, Talley, von Reichbauer—9.

Voting nay: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Fleming, Francis, Goltz, Gould, Grant, Guess, Herr, Jolly, Jones, Keefe, Knoblauch, Matson, Morrison, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Van Hollebeke, Wanamaker, Washington, Wilson, Woody—35.

Absent or not voting: Senators Donohue, Newschwander, Walgren—3.

Excused: Senators Murray, Stortini—2.

SUBSTITUTE HOUSE BILL NO. 975, as amended by the Senate, having failed to receive the constitutional majority, was declared lost.

MOTIONS

On motion of Senator Mardesich, Senate Bill No. 2965 was ordered to hold its place at the end of the second reading calendar for Monday, June 2, 1975.

On motion of Senator Mardesich, Engrossed House Bill No. 707 was ordered to hold its place on the second reading calendar for Monday, June 2, 1975.

On motion of Senator Grant, Engrossed House Bill No. 344 was ordered to hold its place on the second reading calendar for Monday, June 2, 1975.

On motion of Senator Knoblauch, Senator Fleming was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 294, by Committee on Financial Institutions (originally sponsored by Representatives Conner, Ceccarelli, Gaspard and Laughlin):

Making miscellaneous changes in credit union laws.

The bill was read the second time by sections.

On motion of Senator Woody, the rules were suspended, Substitute House Bill No. 294, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 294, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 2; excused, 3.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Woody—44.

Absent or not voting: Senators Matson, Walgren—2.

Excused: Senators Fleming, Murray, Stortini—3.

SUBSTITUTE HOUSE BILL NO. 294, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Mardesich, Substitute House Bill No. 211 will be considered following Engrossed Second Substitute House Bill No. 720.

SECOND READING

ENGROSSED HOUSE BILL NO. 620, by Representative Maxie:

Authorizing certain supplemental payment survivors option under state universities retirement plans when employee otherwise eligible but died without exercising option.

The bill was read the second time by sections.

On motion of Senator Sandison, the rules were suspended, Engrossed House Bill No. 620 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Sandison yield to a question? Senator Sandison, I understand what you are attempting to do and it is very commendable. What I do not understand is, are these employees covered under the TIAA?"

Senator Sandison: "That is correct."

Senator Rasmussen: "Are they additionally covered under social security?"

Senator Sandison: "Yes, they would be, yes."

Senator Rasmussen: "Then is supplemental pension that has been granted by the universities is something on top of TIAA and social security?"

Senator Sandison: "No, it allows them to get it. They were not eligible to receive it before. This comes under the husband's pension."

Senator Rasmussen: "I understand about the widow. The spouse has died before they retired. Let us take the case of the husband that survives and he gets his TIAA, gets his social security, gets his supplemental. When he dies, does the supplemental continue on to his wife?"

Senator Sandison: "No, she gets two-thirds of his pension under the act passed before."

Senator Rasmussen: "Then why are we doing this for these particular widows, that if the husband had survived they would not receive the supplemental anyway? This is the point that I fail to understand."

Senator Sandison: "Could I defer that to Senator Scott who has worked very closely with this?"

Senator Scott: "When they get the survivors option, there would only be one half of the couple remaining alive anyway and it permits people who have put in their minimum of thirty years and reached age fifty-five to have that option although the individual in service to one of the universities continued on in service after he could have retired, and it gives the survivor option to those individuals when it was not available to them because they did not retire when they might have. It is a group of people we have already taken care of prospectively. All you are doing is going back retrospectively and picking up these eighteen people. This is a standard survivor option and you are simply making it available to these eighteen people the same way we have made it available to everyone else now."

POINT OF INQUIRY

Senator Donohue: "Will Senator Sandison yield? For the record, Senator, the actuarial statement submitted indicates the present cost of twenty-one hundred dollars a month, based upon current eligibility of eighteen surviving spouses. Do the provisions of the bill in any way affect the status of current faculty spouses?"

Senator Sandison: "Senator Donohue, no. You will remember that in the '73 session of the legislature we passed Senate Bill 2119 which restructured the faculty retirement system. The provisions of that act which are applicable to all institutions of higher education, which include the community colleges, allowed governing boards to establish procedures. This has been since July 1, 1974, which will provide for the surviving spouse's benefits. Only the two universities had the supplementation program for faculty members prior to the '73 act. Therefore, only such faculty member surviving spouses are eligible, the eighteen persons that were referred to."

POINT OF INQUIRY

Senator Grant: "Will Senator Sandison yield? Senator Sandison, do you have any idea what the retirement allowances of these people are now, the amounts, the average?"

Senator Sandison: "No, I do not have that. Looking at the list of people who were involved, some whom I knew fairly well, Henry Beechel from the University, I think when he retired his total salary was about twenty thousand so his retirement allowance would be somewhere around sixty percent of that and I would presume Senator Scott would know more than I would, more people."

Senator Grant: "Senator Sandison, don't you think we ought to have that information? Maybe we ought to hold this until about Tuesday and get some of that information."

Senator Sandison: "Could I ask you to ask Senator Scott? He knew many more of those people than I."

Senator Grant: "Okay, Senator Scott?"

Senator Scott: "Senator Grant, I think the highest paid person on the list is probably Dr. Harkens and he was a surgeon in University Hospital and his salary at the time might have ranged up to thirty thousand dollars. His retirement income would be in all cases about half of that. The pension and the option would be further actuarially reduced, so the amount would range down somewhere below fifteen thousand dollars for the uppermost individual and for most of the faculty members who retired at that time, their average salary would have been in the neighborhood of thirteen thousand. It depends on the number of years of service."

Senator Grant: "Certainly. I would just like to get an average figure as to how much we are improving the retirement benefits in this particular category of employees and to determine whether or not it is really necessary."

Senator Scott: "I think the easiest way to approach it is that you divide the eighteen people into the thirty-six thousand dollar cost this year and you come up with what? Something under two thousand an individual?"

Senator Grant: "That is not my concern as to what their increase was. If it is an increase on top of an already generous retirement allowance, I am not particularly interested in appropriating funds for that purpose. If it is an increase on top of a modest amount, then perhaps it is justified. That is why I would suggest that perhaps it should wait and we should get some of these figures before we vote on a matter like this."

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Donohue yield to a question? Senator Donohue, this money would come out of where, the general fund?"

Senator Donohue: "Senator, I have Chuck Langen of the staff checking that right now. It comes out of the university appropriation I am sure."

MOTIONS

Senator Rasmussen moved that Engrossed House Bill No. 620 be held on the third reading calendar for Monday, June 2, 1975.

On motion of Senator Sandison, Engrossed House Bill No. 620 was placed at the end of today's calendar on third reading.

On motion of Senator Woody, Engrossed House Bill No. 536 was ordered placed at the beginning of the second reading calendar for Monday, June 2, 1975.

On motion of Senator Knoblauch, Senator Walgren was excused.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 720, by Committee on Higher Education (originally sponsored by Representatives Moreau, Becker, Conner, Maxie, Hansey, Nelson, Berentson and Luders):

Authorizing state colleges to offer degrees through master's degree subject to review by the legislature.

The bill was read the second time by sections.

On motion of Senator Goltz, the rules were suspended, Engrossed Second Substitute House Bill No. 720 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 720, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 1; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Rider, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Woody—44.

Absent or not voting: Senator Morrison—1.

Excused: Senators Fleming, Murray, Stortini, Walgren—4.

ENGROSSED SECOND SUBSTITUTE HOUSE 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.

MOTION

On motion of Senator Peterson, Substitute House Bill No. 211 was ordered placed at the end of today's second reading calendar.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1178, by Committee on State Government (originally sponsored by Representative Sommers):

Establishing a central payroll system for state agencies.

REPORT OF STANDING COMMITTEE

May 20, 1975.

SUBSTITUTE HOUSE BILL NO. 1178, establishing a central payroll system for state agencies (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendment:

On page 2, strike all of Sec. 5 and renumber the following sections accordingly.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson, Second Vice Chairman, Bailey, Clarke, Fleming, Jones, Marsh, Newschwander, Rasmussen, Sandison, Scott, Washington.

The bill was read the second time by sections.

On motion of Senator Donohue, the committee amendment was adopted.

On motion of Senator Donohue, the following amendment to the title was adopted:

On page 1, line 3 of the title, strike "making an appropriation;"

On motion of Senator Donohue, the rules were suspended, Substitute House Bill No. 1178, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1178, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; nays, 2; absent or not voting, 1; excused, 4.

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

Cunningham, Day, Donohue, Francis, Gould, Grant, Guess, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Woody—42.

Voting nay: Senators Goltz, Lewis (Harry)—2.

Absent or not voting: Senator Jones—1.

Excused: Senators Fleming, Murray, Stortini, Walgren—4.

SUBSTITUTE HOUSE BILL NO. 1178, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE JOINT MEMORIAL NO. 24, by Representatives Tilly, Whiteside, Chandler, Kilbury and Newhouse:

Requesting that the apple blossom be designated the national flower.

The memorial was read the second time in full.

On motion of Senator Jolly, the rules were suspended, House Joint Memorial No. 24 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Bottiger, House Joint Memorial No. 24 was ordered held on the third reading calendar for Monday, June 2, 1975.

MOTIONS

On motion of Senator Mardesich, Second Substitute House Bill No. 1007 was ordered to hold its place on the second reading calendar for Monday, June 2, 1975.

On motion of Senator Grant, Reengrossed House Bill No. 285 was ordered to hold its place on the second reading calendar for Monday, June 2, 1975.

On motion of Senator Grant, Engrossed House Bill No. 620 was ordered to hold its place on the third reading calendar for Monday, June 2, 1975.

MOTION FOR RECONSIDERATION

On May 29, 1975, Senator Marsh moved that the Senate reconsider the vote by which Engrossed House Bill No. 578 failed to pass the Senate.

The motion for reconsideration by Senator Marsh carried on a rising vote.

Debate ensued.

POINT OF INQUIRY

Senator Francis: "Would Senator Marsh yield? Senator Marsh, I am trying to find out what is behind this bill and in particular what hearings the bill had, what committee it came out of, and why it is necessary to make this decision now about grades one through three?"

Senator Marsh: "Basically, I believe the Senate Education Committee did consider the bill here on this side and perhaps Senator Sue Gould can respond further to the type of consideration that it had in that committee. The basic reason it is needed now is the time has come to recognize the fact that none of us dispute, that we have got to do something about overloading those primary grades in K through 3. If we put this off another year I suppose a year from now we will again have a delayed implementation of a year to let everybody get geared up and you are just postponing the problem. I think that the reason that the push is on now is that we become increasingly aware of the problems we

create for our students when we overload those K through 3 classrooms, and that awareness has led the House to do something about this particular measure at this time. I hope we will do something about it also and pass it."

MOTION

On motion of Senator Marsh, further consideration of Engrossed House Bill No. 578 on final passage was ordered held for Monday, June 2, 1975.

MOTION

On motion of Senator Mardesich, the Senate moved to reconsider the vote by which Engrossed Senate Bill No. 2410, regarding consolidating the administration of the various state retirement systems into a single department. Notice of Reconsideration had been given by Senator Woody on May 21, 1975.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 2410, on reconsideration.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2410, on reconsideration, and the bill passed the Senate by the following vote: Yeas, 27; nays, 18; excused, 4.

Voting yea: Senators Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Goltz, Gould, Guess, Jolly, Jones, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, North, Odegaard, Peterson, Sandison, Scott, Sellar, Van Hollebeke, Wanamaker, Woody—27.

Voting nay: Senators Bailey, Beck, Bottiger, Grant, Henry, Herr, Keefe, Knoblauch, Lewis (Harry), McDermott, Newschwander, Pullen, Rasmussen, Ridder, Talley, von Reichbauer, Washington, Wilson—18.

Excused: Senators Fleming, Murray, Stortini, Walgren—4.

ENGROSSED SUBSTITUTE BILL NO. 2410, having received the constitutional majority, on reconsideration, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Marsh, Engrossed Senate Bill No. 2410 was ordered immediately transmitted to the House.

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED HOUSE BILL NO. 988.

MOTION

At 3:07 p.m., on motion of Senator Mardesich, the Senate adjourned until 11:00 a.m., Monday, June 2, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

EIGHTY-FIRST DAY**MORNING SESSION**

Senate Chamber, Olympia, Monday, June 2, 1975.

The Senate was called to order at 11:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Fleming, Murray, North and Peterson. On motion of Senator Knoblauch, Senator Fleming was excused. On motion of Senator Lewis (R. H. "Bob"), Senators Murray and North were excused.

The Color Guard consisting of Pages Paul Simmons and Anita Williams, presented the Colors. Doctor Henry S. Rahn, pastor emeritus of the First Baptist Church of Olympia, offered the following prayer:

"ALMIGHTY AND ETERNAL GOD, HIGH IN THY DIVINE MAJESTY, YET MORE PERSISTENTLY NEAR THAN WE CONSCIOUSLY KNOW, WE HUMBLY BOW AND WAIT IN THY PRESENCE, TO CENTER OUR THOUGHTS AND INNER EMOTIONS ON THEE. MAY THY SPIRIT TOUCH OUR EYES THAT WE MAY SEE A VISION SPLENDID, TOUCH OUR EARS TO HEAR THEY VOICE, TOUCH OUR HEARTS TO LOVE THEE TRULY, STRENGTHEN OUR HANDS TO DO THY WILL. GRANT US LIGHT FOR THE WAY AND STRENGTH FOR THE DAY. THROUGH CHRIST OUR LORD. AMEN."

MOTION

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

MESSAGE FROM THE GOVERNOR

Office of the Governor, May 31, 1975.

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

LADIES AND GENTLEMEN:

I have the honor to advise that on May 31, 1975, Governor Evans approved the following Senate Bills, entitled:

SUBSTITUTE SENATE BILL NO. 2133: Authorizing payment of claims against state officers or employees from tort claims revolving fund.

SENATE BILL NO. 2169: Providing for the adoption and implementation of standards for integrating school library and media services.

SENATE BILL NO. 2395: Raising court reporters' salaries.

SENATE BILL NO. 2416: Changing requirements for foreclosing a deed of trust.

SUBSTITUTE SENATE BILL NO. 2966: Allowing fire districts to authorize and issue local improvement bonds and warrants.

Sincerely,
CHI-DOOH LI
Legal Counsel

MOTION

At 11:15 a.m., on motion of Senator Bailey, the Senate recessed until 12:30 p.m.

AFTERNOON SESSION

The President called the Senate to order at 12:30 p.m.

MOTION

At 12:30 p.m., on motion of Senator Mardesich, the Senate recessed until 2:00 p.m.

SECOND AFTERNOON SESSION

The President called the Senate to order at 2:00 p.m.

MOTION

On motion of Senator Walgren, the Senate advanced to the sixth order of business.

SECOND READING

ENGROSSED HOUSE BILL NO. 536, by Representatives Ceccarelli, Blair, Chatalas, Bagnariol and McCormick:

Providing for regulation of health care service contractors.

REPORT OF STANDING COMMITTEE

May 20, 1975.

ENGROSSED HOUSE BILL NO. 536, providing for regulation of health care service contractors (reported by Committee on Financial Institutions):

Recommendation: Do pass with the following amendments:

On page 1, line 25, strike "licensed"

On page 1, line 26, after "care" insert "licensed pursuant to RCW 18.22, RCW 18.53, RCW 18.71, RCW 18.83, or RCW 18.88"

On page 2, line 8, strike all of subsection (2)

Signed by: Senators Woody, Chairman; Bluechel, Clarke, Herr, Jones, Mardesich, Walgren.

The bill was read the second time by sections.

Senator Woody moved the committee amendments to page 1 be considered and adopted simultaneously.

Debate ensued.

The motion by Senator Woody failed and the committee amendments to page 1 were not adopted.

Senator Woody moved the committee amendment to page 2 be adopted.

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

MOTIONS

On motion of Senator Knoblauch, Senator Donohue was excused.

On motion of Senator Woody, the rules were suspended, Engrossed House Bill No. 536 was advanced to third reading, the second 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. 536, and the bill passed the Senate by the following vote: Yeas, 37; nays, 6; absent or not voting, 4; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Cunningham, Day, Goltz, Gould, Grant, Guess, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, Matson, McDermott, Morrison, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott, Stortini, Talley, Van Hollebeke, von Reichbauer, Washington, Wilson, Woody—37.

Voting nay: Senators Clarke, Francis, Newschwander, Sandison, Sellar, Wana-maker—6.

Absent or not voting: Senators Fleming, Henry, Mardesich, Walgren—4.

Excused: Senators Donohue, Murray—2.

ENGROSSED HOUSE BILL NO. 536, having received the constitutional 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 Sandison moved that Substitute House Bill No. 511 be considered after House Joint Memorial No. 24.

POINT OF INQUIRY

Senator Peterson: "Would Senator Sandison yield to a question? Senator, what is the reason for continually putting this bill down? Are there more amendments or what is the problem?"

Senator Sandison: "I did not continually put it down. This is the first time I have. This was at the request of the sponsor of the bill and there are amendments pending."

The motion by Senator Sandison carried and Substitute House Bill No. 511 will be considered following House Joint Memorial No. 24.

MOTIONS

On motion of Senator Sandison, Engrossed Second Substitute House Bill No. 827 will be considered following Engrossed House Bill No. 707.

On motion of Senator Sandison, Engrossed House Bill No. 176 will be considered following Engrossed Substitute House Bill No. 827.

On motion of Senator Sandison, Engrossed House Bill No. 436 will be considered following Engrossed House Bill No. 176.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 591, by Committee on Commerce (originally sponsored by Representatives O'Brien, Warnke, Newhouse, Bausch and Ceccarelli):

Authorizing state funding for international trade fairs.

The Senate resumed consideration of Engrossed Substitute House Bill No. 591. On Saturday, May 31, 1975, the committee amendments by the Committees on Ways and Means and Commerce were moved for adoption by Senator Van Hollebeke.

The motion by Senator Van Hollebeke carried and the committee amendments were adopted.

On motion of Senator Van Hollebeke, the rules were suspended, Engrossed Substitute House Bill No. 591, 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: "I wonder if Senator Odegaard would yield? Senator Odegaard, this bill in no way reduces the amount that the community fairs and fairs will receive, does it?"

Senator Odegaard: "No, Senator Talley, it in no way reduces the amount that goes to the agricultural fairs and if it did I probably would not be promoting the bill at all, Senator Talley."

POINT OF INQUIRY

Senator Newschwander: "I wonder if Senator Odegaard would yield to another question? I see there are four legislative appointments here, ex officio. Tell me where the next international trade fair is, or where the next several are? I see we are raising more money for it and — where is the next trade fair?"

Senator Odegaard: "Senator Newschwander, I frankly do not know where the next trade fair is."

Senator Newschwander: "Maybe Senator Van Hollebeke could answer it."

Senator Van Hollebeke: "There is, that I am aware of, no hanky-panky involved and nobody that I am aware of has suggested that they be one of those members. I think that it is just an attempt for the legislature to know what is going on and I think that is probably a good idea. We do it in a lot of other areas and I know of no motives other than that, Senator Newschwander. It does not increase appropriations to them as you suggested. It increases maximum amounts that may be given to them, and those amounts are not set by the legislature."

POINT OF INQUIRY

Senator Grant: "Will Senator Van Hollebeke yield to a question? Senator Van Hollebeke, as you have indicated, it does raise the potential of funds available to the international trade fairs."

Senator Van Hollebeke: "Yes."

Senator Grant: "It also earmarks the horse racing tax that would go the international trade fair. First of all, could you describe to me some of the functions of the international trade fairs and the sort of activity they are engaged in that might be of benefit to the people of this state?"

Senator Van Hollebeke: "I think they often try to show what a good job our labor people are doing in this state and so forth."

Senator Grant: "I rather doubt that."

Senator Van Hollebeke: "No, I think the primary objective is to show what state products are available and to aid in their marketing, both abroad and in other states within this country. International trade fairs, of course, are mainly concerned with international commerce, and I think the primary purpose is just that. They exhibit Washington products, Washington industrial concerns go to these trade fairs to show what we have to offer, and I think that is their whole objective."

Debate ensued.

POINT OF INQUIRY

Senator Newschwander: "I hate to belabor the fact but I am afraid I am with Senator Grant. I brought the question up originally and my question has not been answered. Everybody is saying that we have the possibility of raising some more money and take a look at international trade fairs, but when you raise money and you appoint four legislators there—my past experience has told me that when you add legislators to a committee—you go back to the Seattle World's Fair, the Spokane World's Fair—somebody is traveling—I hear the rumble something about Russia. I wish somebody would stand up and tell me why you need the money and what you are going to do with it. Otherwise I am going to vote no. Every time I have asked the question in committees around here they say, 'Be quiet.' and so I just say there is something phony in this bill and I want to know what it is."

Senator Talley: "Senator Newschwander, it is not Russia, it is Siberia that we wanted somebody to go to."

Senator Van Hollebeke: "Mr. President and members of the Senate, in answer to Senator Newschwander's comments about something phony. I do not think there is, Senator, and I am completely sincere in that. I have found nothing. Now you talk about raising funds. This bill does not appropriate more money. It does not raise taxes, and so it just is not a matter of raising funds. The funds are going up. The tax remains the same, five percent of gross receipts from parimutuel betting, and they have gone up rather drastically, rather substantially in recent years. Of course, that is because horse racing is catching on as an industry of some proportions in this state, but I do not know of anybody that wants—and maybe there are—it is a House bill and I do not know what happened over there. It came through my committee, the Commerce Committee, and I am simply not aware of anything like that and I just do not have the suspicions about it that you do. I think it is legitimate."

POINT OF INQUIRY

Senator Guess: "Senator Van Hollebeke, you say this came through your com-

mittee. Were any particular names named of who is going to be on this commission so they can travel?"

Senator Van Hollebeke: "No, Senator Guess, there were not. There was nothing like that mentioned. I said that previously and I — that is what I know about it. If I knew I would say it right out here on the floor. I do not know of anybody—and nobody lobbied—from the House, if I recall, on this bill. There was somebody from the Trade Fair Commission was the only person that appeared on behalf of this bill. Their comments seemed sincere to me. They wanted somewhat of a change in the percentages, as you have seen here, but I do now know of anybody that is trying to do anything that Senator Newschwander is alluding to."

Senator Guess: "One more question, Senator Van Hollebeke. If the money was not appropriated and the commission was not enlarged and if people did not travel, could that five percent from the parimutuel funds be reduced and could not that go to some needed budget under DSHS?"

Senator Van Hollebeke: "You are talking about, when you talk about what might be involved in legislators being ex officio members of this committee, you are talking about relatively very small sums in comparison to the whole, but yes, any time you take a dollar from somewhere you can move it somewhere else but we are talking about extremely small amounts. This is, incidentally, the same figure that almost every state in the union uses, perhaps every state, that has parimutuel betting, five percent of the gross goes to the state. I do not know of any state that have an exception to that."

Senator Guess: "Does the five percent also fund the Horse Race Commission?"

Senator Van Hollebeke: "In this state or in most?"

Senator Guess: Yes, in this state."

Senator Van Hollebeke: "In this state it does. Twenty percent of that five percent is taken to fund the Racing Commission. The Racing Commission provides many of the employees at the track. I think Senator Day is more knowledgeable on this than I am, and Senator Donohue too, but as I recall, the starters and some of the people that are working right out on the track and the stewards that follow behind the horses and watch from the peekaboo spots up on top of a hydraulic lift. Those people are all employed out of this five percent. I believe that is correct."

Senator Guess: "Don't they need more money?"

Senator Van Hollebeke: "They are getting more money because the revenue keeps going up. The twenty percent goes up, yes, as salaries and inflation go up and as we have more racing dates at the major tracks in this state and now some of the lesser, the smaller tracks. Yes, they need more money, but the five percent has—the twenty percent of the five percent is adequate."

Senator Guess: "Thank you, Senator."

Further debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 591, as amended by the Senate, and the bill failed to pass the Senate by the following vote: Yeas, 22; nays, 23; absent or not voting, 1; excused, 3.

Voting yea: Senators Bailey, Beck, Benitz, Cunningham, Day, Fleming, Goltz, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis (Harry), Marsh, Odegaard, Peterson, Pulen, Ridder, Sandison, Talley, Washington, Woody—22.

Voting nay: Senators Bluechel, Bottiger, Buffington, Clarke, Francis, Gould, Grant, Guess, Jones, Lewis (R. H. "Bob"), Matson, McDermott, Morrison, Newschwander, North, Rasmussen, Scott, Sellar, Stortini, Van Hollebeke, von Reichbauer, Wana-maker, Wilson—23.

Absent or not voting: Senator Mardesich—1.

Excused: Senators Donohue, Murray, Walgren—3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 591, as amended by the Senate, having failed to receive the constitutional majority, was declared lost.

NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Van Hollebeke served notice that he

would, sometime during this working day, move for reconsideration of the vote by which Engrossed Substitute House Bill No. 591, as amended by the Senate, failed to pass.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Newschwander moved that the Senate immediately reconsider the vote by which Engrossed Substitute House Bill No. 591, as amended by the Senate, failed to pass.

PARLIAMENTARY INQUIRY

Senator Newschwander: "Which is the higher motion?"

REPLY BY THE PRESIDENT

The President: "This is a different motion, Senator, and inasmuch as it applies to yours, I will check that one out, Senator Newschwander."

PARLIAMENTARY INQUIRY

Senator Newschwander: "To make it simple, wouldn't it, the simple way is if they voted my motion down, then his motion would carry to consider it tomorrow?"

REPLY BY THE PRESIDENT

The President: "The President is checking that, Senator Newschwander. The President must point out that reconsideration of the vote must take place today unless otherwise decided by the body."

Senator Van Hollebeke: "Mr. President, I think that the proper order is that the motions to reconsider may not be taken until the eighth order of business. Is that correct?"

REPLY BY THE PRESIDENT

The President: "Rule 31 states that on or after the fiftieth day, Senator Van Hollebeke, 'a motion to reconsider shall only be in order on the same day upon which notice of reconsideration is given and may be made at any time that day.' The President will repeat what Rule 31 says. 'On and after the fiftieth day of the session a motion to reconsider shall only be in order on the same day upon which notice of reconsideration is given and may be made at any time that day.'"

Senator Clarke: "Senator Newschwander has made that motion."

REPLY BY THE PRESIDENT

The President: "Yes, Senator."

Senator Clarke: "Thank you."

Senator Clarke: "May I respectfully call attention to one other provision in Rule 31 that says: 'A motion to reconsider shall have precedence over every other motion, except a motion to adjourn.'"

REPLY BY THE PRESIDENT

The President: "That is true, Senator Clarke. That is what has just been decided by the board of directors here."

"The question before the Senate is the motion by Senator Newschwander that the Senate immediately reconsider the vote by which Engrossed Substitute House Bill No. 591 was lost."

REMARKS BY THE PRESIDENT

The President: "The President wishes to point out that this is merely a motion as to whether or not you wish to reconsider the vote immediately."

PARLIAMENTARY INQUIRY

Senator Newschwander: "A 'no' vote means we will not reconsider, so the bill is dead. Is that correct?"

REPLY BY THE PRESIDENT

The President: The question is whether the Senate wishes to immediately reconsider the vote or reconsider it later."

REMARKS BY SENATOR NEWSCHWANDER

Senator Newschwander: "The motion is that we are going to reconsider immediately."

PARLIAMENTARY INQUIRY

Senator Bailey: "It seemed to me the rule that you read said that after the fiftieth day we would immediately reconsider and if that were so it would not have been necessary for Senator Newschwander to make his motion because Senator Van Hollebeke's motion was to reconsider and that automatically would make it today, I would think, unless we suspended the rules. There would only be one motion before us automatically unless they suspended rules and carried it over until tomorrow."

REPLY BY THE PRESIDENT

The President: "Senator Newschwander the motion is that the Senate reconsider the vote by which the measure was lost. Now if the Senate votes not to reconsider the measure, the bill is dead. If you vote to reconsider it, the bill will be on final passage."

Debate ensued.

Senator Newschwander demanded a roll call and the demand was sustained by Senators Washington, Herr, Francis, Jones, Ridder, Beck, Grant, Sandison and Odegard.

The President declared the question before the Senate to be the motion by Senator Newschwander that the Senate immediately reconsider the vote by which Engrossed Substitute House Bill No. 591, as amended by the Senate, failed to pass.

ROLL CALL

The Secretary called the roll and the motion by Senator Newschwander carried by the following vote: Yeas, 25; nays, 21; excused, 3.

Voting yea: Senators Bailey, Beck, Day, Fleming, Goltz, Grant, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis (Harry), Marsh, McDermott, Odegard, Peterson, Pullen, Ridder, Sandison, Talley, Van Hollebeke, von Reichbauer, Washington, Wilson, Woody—25.

Voting nay: Senators Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Francis, Gould, Guess, Jones, Lewis (R. H. "Bob"), Mardesich, Matson, Morrison, Newschwander, North, Rasmussen, Scott, Sellar, Stortini, Wanamaker—21.

Excused: Senators Donohue, Murray, Walgren—3.

MOTION

Senator Marsh moved that Engrossed Substitute House Bill No. 591, as amended by the Senate, be held on third reading for Tuesday, June 3, 1975.

Debate ensued.

The motion by Senator Marsh carried. Engrossed Substitute House Bill 591, as amended by the Senate, will be placed on third reading and final passage, on reconsideration, for Tuesday, June 3, 1975.

MOTION

On motion of Senator Sandison, the Senate commenced consideration of Substitute House Bill No. 511.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 511, by Committee on Agriculture (originally sponsored by Representatives Becker, Kilbury, Erickson, Hansen, Amen, Hansey, Moreau, Tilly, Schumaker, Berentson, Sherman, North, Laughlin and Moon):

Requiring that milk producers be paid costs of production.

The bill was read the second time by sections.

Senator North moved adoption of the following amendment:

On page 2, line 8, after "dealer" insert "": *PROVIDED, That such payment as determined by the director shall be required by the director only at such times and during such periods as he may determine pursuant to rule and regulation that the volume of milk sold as fluid milk constituted eighty percent or more of the total milk produced during such period: PROVIDED FURTHER, That the director shall make such determination as to the volume of fluid milk sold at least once every three months*".

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Mr. President and members of the Senate, I would like to have somebody that has really worked on a cow to get milk. Senator Wilson, do you volunteer to answer a question? Have you ever really worked on a cow to get the milk out of it?"

Senator Wilson: "Yes, in Iowa during the summers of '38 and '39."

Senator Rasmussen: "I would ask you all to hold up your hands and see if you have got the . . ."

"What I would like to ask Senator Wilson is, would this proposed law prevent Oregon milk from being shipped into the state of Washington in interstate commerce?"

Senator Woody: "No, it would not prevent, in fact, we cannot do anything to interfere with interstate commerce."

Senator Rasmussen: "Then my second question is, what good is this law when already forty percent of the milk is coming across the border in tank trucks from Oregon and being sold at a cheaper price?"

Senator Woody: "That is correct, and that is one of the defects in the North amendment which we are now debating, and Senator North's amendment talks about when the volume of milk sold as fluid milk constitutes eighty percent or more of the total milk produced. Now that of course would take into consideration the milk brought in from Oregon and from Idaho, which is substantial, and is flooding our particular market. If it comes in, and it does come in as raw fluid milk, class one milk, then we could hit the eighty percent at any one time that you wanted to play games with the statistics."

Senator Rasmussen: "So actually this law would be of no use at all, with the amendment or without it."

Senator Woody: "I did not say that. I said, speaking as to the amendment, if you read the amendment the way that it actually reads, at any one time when the milk coming in from Oregon, or from Idaho, combined with the fluid one milk from Washington reaches eighty percent, then the director can say for a period of up to three months that the minimum price established by the director shall apply, and that really makes the amendment a nullity."

Senator Rasmussen: "Then, Senator Woody, I have another question in relation to this amendment. How would it be determined what the cost of production was between the ten cow farm and the three hundred cow farm?"

Senator Woody: "You have put your finger on it. When you are consider out of state milk there is no way of determining what it costs in Oregon and Idaho, and that is the problem with this amendment."

Senator Rasmussen: "Would not that be the problem in Washington also?"

Senator Woody: "We can, of course, go around to the farms in Washington, but I am sure that none of our directors or the Department of Agriculture are permitted to go down to Oregon and investigate the land values there, which are part of what is permitted under pages 3 and 4, the cost of producing fluid milk for human consumption in Oregon. They could not do that. They could not go down there and see where there are any alternate enterprises available to the farmers down in Oregon. They cannot tell, excepting from what the Oregon Department of Agriculture could tell them, about the demand for fluid milk in Oregon or what affect the Oregon milk would have on our demand for human consumption in Washington, and if they were looking at the price of fluid milk for human consumption in the immediate surrounding area as to Oregon or

Idaho milk, what would they look at, Salem, Oregon or Seattle, Washington?" That is the problem with the amendment."

Senator Rasmussen: "That is my question also, Senator Woody, in regards in the state of Washington. How would you determine whether it was efficient production on a ten cow farm or a three hundred cow farm, and how would they set the cost of production they are going to guarantee?"

Senator Woody: "You cannot due to Oregon milk."

Senator Rasmussen: "I am talking about Washington."

Senator Woody: "You are not now talking about the amendment."

Senator Rasmussen: "In direct relation to the amendment, yes."

Senator Woody: "As to the amendment, it deals with milk sold not only in the state of Washington but Oregon and Idaho. We cannot investigate what those criteria are in those other states."

Senator Rasmussen: "You cow men have me confused."

Senator Bluechel moved adoption of the following amendment to the amendment by Senator North:

On line 4 of the North amendment to page 2, line 8, after "*volume of*" insert "*Washington*", and on line 5 after "*total milk produced*" insert "*in the state of Washington*".

Debate ensued.

The motion by Senator Bluechel carried and the amendment to the amendment was adopted on a rising vote.

Further debate ensued.

The motion by Senator North failed and the amendment, as amended, was not adopted.

Senator Rasmussen moved adoption of the following amendment by Senators Rasmussen and North:

On page 4, after line 12, add the following:

"*NEW SECTION. Sec. 6. REFERENDUM.* This act shall be submitted to the people for their adoption and ratification, or rejection, at the next succeeding general election to be held in this state, in accordance with the provisions of section 1, Article II of the state Constitution as amended, and the laws adopted to facilitate the operation thereof."

POINT OF INQUIRY

Senator Odegaard: "I wonder if Senator Rasmussen would yield to a question? Senator Rasmussen, you referred to a vote taken in 1961 on the milk marketing act. I would take from that an inference that this bill we are considering here today is the same as the milk marketing act of 1961. Is that a correct inference?"

Senator Rasmussen: "It is very similar, yes."

Senator Odegaard: "Could you point out some of the differences?"

Senator Rasmussen: "It has the same net effect that it is going to raise the price to the consumer way out of proportion to the good that they will get."

Senator Odegaard: "Could you, Senator Rasmussen, point out some of the differences though between House Bill 511 and the milk marketing act of 1961?"

Senator Rasmussen: "There is no difference, Senator Odegaard. The end result will be the same, and the fact is that there is no way, absolutely no way that you are going to level out between the small ten cow farmer and the three hundred cow farmer or production farmer. You cannot level that out by passage of an act. The only leveling effect is going to be that the price to consumers is going to go way up."

POINT OF INQUIRY

Senator Francis: "Will Senator Rasmussen yield? Senator . . ."

Senator Rasmussen: "I am not an expert on cows, Senator Francis."

Senator Francis: "I am no expert on any part of this bill and I have been reading and reading it and trying to understand it, and I am looking on the bottom of page 3 of the bill where it says: 'In establishing the fair payment, the director shall consider the

alternative enterprises available to producers,' which as near as I can figure means that if the producer has a chance to sell his dairy to somebody who wants to make it into a shopping center or if he wants to sell his cattle and then put his profits into the bank and make more than he is making there, that they can consider that and if they think that he might go out of the dairy business they can pay him more money in order to keep him in the dairy business. Now that is the way I read that on the bottom of page 3 there."

Senator Rasmussen: "That is exactly right. It is the same method that Stu Bledsoe, the Director of Agriculture, sold his cows and became Director of Agriculture because he can make more money. That is the alternative."

Senator Francis: "All right. Now my question is this: was there any provision like that in the 1961 act that Senator Odegaard was asking about?"

Senator Rasmussen: "No, this is even worse."

Senator Francis: "All right. It would seem to me then we have a much worse bill in front of us and a much worse provision from the point of view of the consumer than even that one was."

Debate ensued.

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

On motion of Senator Jolly, the rules were suspended, Substitute House Bill No. 511 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 511, and the bill passed the Senate by the following vote: Yeas, 27; nays, 17; absent or not voting, 2; excused, 3.

Voting yea: Senators Bailey, Beck, Benitz, Bottiger, Day, Goltz, Guess, Henry, Herr, Jolly, Knoblauch, Matson, Morrison, Odegaard, Peterson, Pullen, Ridder, Sandison, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Woody—27.

Voting nay: Senators Bluechel, Buffington, Clarke, Cunningham, Francis, Gould, Grant, Jones, Keefe, Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Newschwander, North, Rasmussen, Scott—17.

Absent or not voting: Senators Fleming, Lewis (Harry)—2.

Excused: Senators Donohue, Murray, Walgren—3.

SUBSTITUTE HOUSE BILL NO. 511, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Woody, Substitute House Bill No. 511 was ordered immediately transmitted to the House.

MOTION

At 4:15 p.m., on motion of Senator Mardesich, the Senate recessed until 6:05 p.m.

EVENING SESSION

The President called the Senate to order at 6:05 p.m.

MOTIONS

On motion of Senator Knoblauch, Senators McDermott and Talley were excused. There being no objection, the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

June 2, 1975.

Mr. President: The Speaker has signed:
HOUSE BILL NO. 95,

HOUSE BILL NO. 606,
 HOUSE BILL NO. 733,
 HOUSE BILL NO. 1026,
 SUBSTITUTE HOUSE BILL NO. 1141, and the same are herewith transmitted.
 DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:
 HOUSE BILL NO. 95,
 SUBSTITUTE HOUSE BILL NO. 479,
 HOUSE BILL NO. 606,
 HOUSE BILL NO. 733,
 HOUSE BILL NO. 1026,
 SUBSTITUTE HOUSE BILL NO. 1141.

MOTION

On motion of Senator Mardesich, the Senate resumed consideration of Substitute House Bill No. 427.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 427, by Committee on Transportation and Utilities (originally sponsored by Representatives Patterson, Hansen, Gaines and Gilleland) (by Executive request):

Making appropriations for highways.

The Senate resumed consideration of Substitute House Bill No. 427. On Saturday, May 31, 1975, the committee amendment was not adopted. On that day, Senator Bottiger moved adoption of an amendment by Senators Walgren and Bottiger beginning on page 1, line 6 striking everything after the enacting clause and inserting nine new sections. At that time, Senator Morrison moved the Senate adopt the following amendment by Senator Morrison, Walgren and Bottiger to the amendment by Senators Walgren and Bottiger:

On page 1, line 21 after "support" strike "\$355,261,659" and insert "\$363,480,330" and after "of" strike "\$120,781,329" and insert "\$129,000,000".

Debate ensued.

MOTION

On motion of Senator Lewis (R. H. "Bob"), Senator Pullen was excused.

The motion by Senator Morrison failed and the amendment by Senators Morrison, Walgren and Bottiger to the amendment by Senators Walgren and Bottiger was not adopted.

Senator Morrison moved adoption of the following amendment to the amendment by Senators Walgren and Bottiger:

On page 2, beginning on line 9, after "purposes:" strike all material down through "expenditure:" on page 3, line 19.

POINT OF INQUIRY

Senator Goltz: "Would Senator Morrison yield to a question? As I understood the testimony, or your statement concerning your first amendment, you were putting some money into the budget for some or all of the projects which are now being taken out of the budget. Was that correct?"

Senator Morrison: "Yes, that is correct."

Senator Goltz: "I think that answers my question. Thank you, Senator Morrison. It seems to me that it would be very unwise at this point, members of the Senate, to leave the projects in for which there has been no funding provided. Maybe what we have here is the Second Bacon Siphon. It is to empty the pork barrel."

Senator Morrison: "Mr. President, I think we need an additional explanation. Senator Goltz, my answer to you was correct. The difference, however, is that each of these line items has its own specific appropriation so that, in effect, if we strike the line items we also are striking the appropriation. If you vote against this you will be leaving each of the line items in with the money necessary to do the job, so the dollars are still there. If you leave these in, at least it is saying these are important to the legislature. Here is the money to pay for them and they will be added on to the top of the variable gas tax rate."

The motion by Senator Morrison carried and the amendment to the amendment by Senators Walgren and Bottiger was adopted on a rising vote.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Guess moved that the Senate reconsider the vote by which the amendment by Senators Morrison, Walgren and Bottiger to the amendment by Senators Walgren and Bottiger was not adopted.

Debate ensued.

The motion for reconsideration carried on a rising vote.

Debate ensued.

MOTION

On motion of Senator Knoblauch, Senator Grant was excused.

Senator North demanded a roll call and the demand was sustained by Senators Washington, Lewis (R. H. "Bob"), Bluechel, Gould, Cunningham, Scott, Wanamaker, Jones and Lewis (Harry).

The President declared the question before the Senate to be the roll call, on reconsideration, of the amendment by Senators Morrison, Walgren and Bottiger to the amendment by Senators Walgren and Bottiger.

ROLL CALL

The Secretary called the roll and the amendment to the amendment was adopted, on reconsideration, by the following vote: Yeas, 34; nays, 9; absent or not voting, 1, excused, 5.

Voting yea: Senators Bailey, Beck, Bottiger, Buffington, Clarke, Day, Donohue, Francis, Goltz, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Marsh, Matson, Morrison, Newschwander, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Stortini, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—34.

Voting nay: Senators Benitz, Bluechel, Cunningham, Gould, Lewis (R. H. "Bob"), Mardesich, North, Scott, Sellar—9.

Absent or not voting: Senator Fleming—1.

Excused: Senators Grant, McDermott, Murray, Pullen, Talley—5.

Senator Buffington moved adoption of the following amendment to the amendment by Senators Walgren and Bottiger:

On page 5, after line 15 insert a new section to read as follows:

"Sec. 3. Section 2, chapter 168, Laws of 1974 ex. sess. (uncodified) is amended to read as follows:

Where urban arterial trust account funds were authorized by the state urban arterial board for specific arterial projects, and in those cases where the initial authorization of the project occurred during the 1967-69 and 1969-71 biennial periods, such trust account funds shall remain obligated to such projects for the period through June 30, [1975] 1977."

Re number remaining sections accordingly.

Debate ensued.

POINT OF INQUIRY

Senator Guess: "Senator Walgren, can you tell me when the conference committee is going to meet?"

Senator Walgren: "I do not think that the conference committee has yet been officially appointed, Senator Guess. I know that you have had some ideas as to who should go on the conference committee and apparently there is some dispute about that, but I am very hopeful that that conference committee would be appointed, if not today, tomorrow, and that we could meet immediately, or whoever might be on that measure."

Senator Guess: "I am not really burning to be on that measure but I think that this is the easiest way, Senator, that I know of that the body could take care of the question. It certainly does preserve those funds for a very needed corridor."

Senator Walgren: "There is more to that bill than just the preservation of those urban arterial funds. I think that is the next to the last cause in the bill. There is some language with regard to studies involved there. There is also the question as to whether or not the totality of the west Seattle matter should be handled by the legislature through its two Transportation Committees or whether or not there ought to be a separate commission doing this, so there is a lot more to that bill than just what we are doing here in this amendment."

Further debate ensued.

The motion by Senator Buffington failed and the amendment to the amendment was not adopted on a rising vote. The President voted "no".

Senator Washington moved adoption of the following amendment to the amendment by Senators Walgren and Bottiger:

On page 3, line 24, after "1975" insert a period and strike the remainder of the sentence.

Senators Scott, Matson and Jones demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be adoption of the amendment by Senator Washington to the amendment by Senators Walgren and Bottiger.

The motion by Senator Washington failed and the amendment to the amendment was not adopted on a rising vote.

The President declared the question before the Senate to be adoption of the amendment by Senators Walgren and Bottiger, as amended.

The motion by Senator Bottiger carried and the amendment, as amended, was adopted.

On motion of Senator Bottiger, the rules were suspended, Substitute House Bill No. 427, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

PERSONAL PRIVILEGE

Senator Bottiger: "I would just like Senator Guess to know that I am not converted yet. I am still very skeptical."

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 427, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 35; nays, 8; absent or not voting, 1; excused, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Goltz, Gould, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Mardesich, Marsh, Matson, Morrison, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Stortini, Van Hollebeke, Walgren, Wanamaker, Wilson, Woody—35.

Voting nay: Senators Bluechel, Cunningham, Lewis (R. H. "Bob"), Newschwander, North, Scott, von Reichbauer, Washington—8.

Absent or not voting: Senator Sellar—1.

Excused: Senators Grant, McDermott, Murray, Pullen, Talley—5.

SUBSTITUTE HOUSE BILL NO. 427, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Mardesich, the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

June 2, 1975.

Mr. President: The House refuses to recede from its amendments to Engrossed Senate Bill No. 2401 and asks the Senate for a conference thereon and the Speaker has appointed as members of the conference committee thereon: Representatives King, Savage and Freeman.

DEAN R. FOSTER, Chief Clerk.

On motion of Senator Mardesich, the Senate commenced consideration of the House Message on Engrossed Senate Bill No. 2623.

MESSAGE FROM THE HOUSE

June 2, 1975.

Mr. President: The House has adopted the report of the Conference Committee on ENGROSSED SENATE BILL NO. 2623 and has granted the committee the powers of Free Conference.

DEAN R. FOSTER, Chief Clerk.

REPORT OF CONFERENCE COMMITTEE

June 2, 1975.

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SENATE BILL NO. 2623, requiring reports of child abuse to be forwarded to the prosecuting attorney for investigation and action, have had the same under consideration, and we report that we cannot agree and request the powers of Free Conference in order to propose the following amendments to the House Committee amendment to Engrossed Senate Bill No. 2623:

On page 3 of the House Committee amendment, section 2, line 6 of subsection 12, delete "*or threatened*"

On page 6, section 6, line 6 of subsection (1), delete "*criminal or civil*"

On page 7, section 8, line 2 of the section, strike "26.04" and insert "26.44"

On page 7, section 8, line 2 of subsection (2), after "case," insert "when the court finds upon clear, cogent and convincing evidence that an incident of child abuse or neglect has occurred"

On page 9, line 3, after "that child's" strike "health and"

Signed by: Senators Day and Marsh; Representatives Parker, Bauer and Eikenberry.

MOTION

On motion of Senator Mardesich, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of the Conference Committee report on Engrossed Substitute House Bill No. 32.

REPORT OF CONFERENCE COMMITTEE

June 2, 1975.

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 32, conforming state minimum wage laws to federal laws, have had the same under consideration, and we recommend that the Senate amendments to page 4, line 8 and page 4, line 15 be adopted.

We further report that we cannot agree on the Senate amendments to page 6, line 26, page 6, beginning on line 27, and page 1, line 6 of the title.

We, therefore, respectfully request powers of Free Conference for the purpose of submitting the following amendments:

On page 2, line 19, after "director" insert ": PROVIDED, HOWEVER, That such terms shall be defined and delimited by the state personnel board pursuant to chapter 41.06 RCW and the higher education personnel board pursuant to chapter 28B.16 RCW for employees employed under their respective jurisdictions"

On page 3, line 13, after "*legislature*" add two new subparagraphs as follows:

"(k) All vessel operating crews of the Washington state ferries operated by the state highway commission. (l) Any individual employed as a seaman on a vessel other than an American vessel."

On page 5, line 30, after "person" strike "defined in RCW 49.46.010 (5)(j)" and insert "exempted pursuant to RCW 49.46.010(5)"

On page 5, line 31, after "amended" insert "nor to any individual employed as a seaman whether or not the seaman is employed on a vessel other than an American vessel"

On page 6, line 26, after "consumption" insert ": PROVIDED FURTHER, That in any industry in which federal law provides for an overtime payment based on a work week other than forty hours then provisions of this section shall not apply; however the provisions of the federal law regarding overtime payment based on a work week other than forty hours shall nevertheless apply to employees covered by this section without regard to the existence of actual federal jurisdiction over the industrial activity of the particular employer within this state: PROVIDED FURTHER, That "industry" as that term is used in this section shall mean a trade, business, industry, or other activity, or branch, or group thereof, in which individuals are gainfully employed (Section 3(h) of the Fair Labor Standards Act of 1938, as amended (Public Law 93-259))"

On page 6, line 30, after "effect" strike "immediately" and insert "September 1, 1975"

On page 1, beginning on line 6 of the title, after "RCW;" strike the remainder of the title and insert "declaring an emergency and providing an effective date."

Signed by: Senators Ridder, Morrison, and Wilson; Representatives Savage and Parker.

MOTION

On motion of Senator Mardesich, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of the Conference Committee report on Engrossed House Bill No. 173.

REPORT OF CONFERENCE COMMITTEE

June 2, 1975

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED HOUSE BILL NO. 173, requiring school board directors when making available rules regarding pupil conduct, discipline, and rights to spell out rights and authority of teachers, have had the same under consideration, and we report that we have been unable to agree and respectfully request the powers of Free Conference in order to make the following recommendations:

That the Senate amendment adding three new sections following section 1 be adopted; that the conforming title amendment to line 3 of the title be adopted; that the Senate amendment to lines 22 and 23 not be adopted; and that the following amendment be adopted:

On page 1, line 20, after "28A.04.132." strike "*When*" and insert "*Commencing with the 1976-77 school year, when*"

Signed by: Senators Stortini, Gould and Odegaard; Representatives Clemente and Bauer.

MOTION

On motion of Senator Mardesich, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of the House Message on Engrossed House Bill No. 587.

MESSAGE FROM THE HOUSE

May 26, 1975.

Mr. President: The House refuses to concur in the Senate amendments to ENGROSSED HOUSE BILL NO. 587 and asks the Senate to recede therefrom, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Mardesich, the Senate refused to recede from the Senate amendments to Engrossed House Bill No. 587 and asks the House for a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee of Engrossed House Bill No. 587 and the Senate amendments thereto: Senators Walgren, Morrison and Beck.

MOTION

On motion of Senator Mardesich, the Conference Committee appointments were confirmed.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of the House Message on Engrossed House Bill No. 675.

MESSAGE FROM THE HOUSE

June 2, 1975.

Mr. President: The House has adopted the report of the Conference Committee on ENGROSSED HOUSE BILL NO. 675 and has granted the committee the powers of Free Conference.

DEAN R. FOSTER, Chief Clerk.

REPORT OF FREE CONFERENCE COMMITTEE

June 2, 1975.

Mr. Speaker:
Mr. President:

We, of your Free Conference Committee, to whom was referred ENGROSSED HOUSE BILL NO. 675, regulating the receipt of unanticipated funds, have had the same under consideration, and recommend the bill be amended as recommended by the Conference Committee:

Signed by: Senators Donohue, Newschwander and Odegaard; Representatives Shinpoch, McKibbin and Flanagan.

MOTION

On motion of Senator Donohue, the report of the Free Conference Committee on Engrossed House Bill No. 675 was adopted.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 675, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 41; absent or not voting, 3; excused, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Goltz, Gould, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, Newschwander, North, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott, Stortini, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—41.

Absent or not voting: Senators Cunningham, Keefe, Sellar—3.

Excused: Senators Grant, McDermott, Murray, Pullen, Talley—5.

ENGROSSED HOUSE BILL NO. 675, 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.

MESSAGES FROM THE HOUSE

June 2, 1975.

Mr. President: The Speaker has signed:

HOUSE BILL NO. 162,

SUBSTITUTE HOUSE BILL NO. 294,

HOUSE BILL NO. 354,

HOUSE BILL NO. 383,

SUBSTITUTE HOUSE BILL NO. 428,

HOUSE BILL NO. 437,

SECOND SUBSTITUTE HOUSE BILL NO. 720,

HOUSE BILL NO. 825,

HOUSE BILL NO. 1035,

HOUSE BILL NO. 1051,

HOUSE JOINT MEMORIAL NO. 4, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

June 2, 1975.

Mr. President: The House has passed: ENGROSSED SUBSTITUTE SENATE BILL NO. 2500, and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

June 2, 1975

Mr. President: The House has concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 664 and has passed the bill as amended by the Senate.

DONALD R. WILSON, Assistant Chief Clerk.

June 2, 1975.

Mr. President: The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 2159,

SENATE BILL NO. 2292,

SENATE BILL NO. 2501,

SENATE BILL NO. 2862,

SUBSTITUTE SENATE BILL NO. 2937, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

May 30, 1975.

Mr. President: The Speaker has signed: SUBSTITUTE HOUSE BILL NO. 762, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

June 2, 1975.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1204 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 162,

SUBSTITUTE HOUSE BILL NO. 294,

HOUSE BILL NO. 354,

HOUSE BILL NO. 383,

SUBSTITUTE HOUSE BILL NO. 428,

HOUSE BILL NO. 437,

SECOND SUBSTITUTE HOUSE BILL NO. 720,

SUBSTITUTE HOUSE BILL NO. 762,

HOUSE BILL NO. 825,

HOUSE BILL NO. 1035,

HOUSE BILL NO. 1051,

HOUSE JOINT MEMORIAL NO. 4.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 2500.

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

REPORT OF STANDING COMMITTEE

May 31, 1975.

ENGROSSED HOUSE BILL NO. 671, modifying timber tax revenue distribution dates (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson, Second Vice Chairman; Clarke, Grant, Jones, Lewis (Harry), Mardesich, Marsh, Rasmussen, Sandison, Scott, Washington, Woody.

Passed to Committee on Rules for second reading.

MOTION

At 7:18 p.m., on motion of Senator Mardesich, the Senate recessed until 9:00 a.m. Tuesday, June 3, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

EIGHTY-SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, June 3, 1975.

The Senate was called to order at 9:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Murray, Rasmussen and Walgren. On motion of Senator Lewis (R. H. "Bob"), Senator Murray was excused. On motion of Senator Knoblauch, Senators Rasmussen and Walgren were excused.

The Color Guard consisting of Pages Rachael Langen and Douglas Scott, presented the Colors. Reverend Paul J. Beeman, pastor of the First United Methodist Church of Olympia, offered the following prayer:

"O GOD, OUR STRENGTH AND OUR STAY, YOU HAVE BEEN OUR SOURCE OF STRENGTH IN DAYS OF PEACE AND PLENTY. YOU HAVE SUSTAINED US AND COMFORTED US IN TIMES OF WAR AND CATASTROPHE. THIS MORNING SOME OF US COME TO YOU WEARY, SOME COME ANGRY, SOME DISAPPOINTED, AND SOME DON'T WANT TO COME TO YOU OR TO BE HERE AT ALL. BUT HERE WE ARE, GRATEFUL TO BE ALIVE: GRATEFUL TO HAVE BEEN ELECTED: GRATEFUL TO HAVE A PART IN GOVERNMENT DRAWN BY OTHERS BEFORE US: GRATEFUL TO SEE THE LIGHT OF THIS NEW DAY.

"WE PRESENT OURSELVES TO YOU JUST AS WE ARE, WITH ALL THE EMOTIONS AND PHYSICAL FEELINGS THAT ARE OURS TODAY. RECEIVE US, AS WE ARE. CLEANSE AND FORGIVE US FOR ALL THAT IS SELFISH OR GRASPING, OR LESS THAN YOU HAVE CALLED US TO BE. FREE OUR MINDS FROM HEAVY MOORINGS AND LET US FOR AN INSTANT FLOAT FREE INTO YOUR WILL AND INTO THE POTENTIAL THAT THIS DAY HOLDS FOR US. RECREATE US IN THIS MOMENT IN WAYS THAT WILL FREE US TO MAKE THE GREATEST USE OF THE HOURS OF THIS DAY, THE WORDS WE WILL SAY, THE DREAMS WE WANT SO MUCH TO BE MADE TANGIBLE. WE OFFER WHAT WE ARE AND WHAT WE CAN BE, BACK TO YOU, AS AN OFFERING TO LIFE. YOU HAVE ACCEPTED IT, AND US. WE THANK YOU, IN CHRIST. AMEN."

MOTION

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

At 9:08 a.m., the President declared the Senate to be at ease.

The President called the Senate to order at 9:20 a.m.

MOTIONS

On motion of Senator Sandison, the Senate advanced to the sixth order of business.

On motion of Senator Sandison, Engrossed Substitute House Bill No. 591 will be considered following Engrossed Substitute House Bill No. 207.

On motion of Senator Sandison, Engrossed Second Substitute House Bill No. 827 was placed at the end of today's calendar.

On motion of Senator Sandison, the Senate advanced to the seventh order of business.

THIRD READING

HOUSE JOINT MEMORIAL NO. 24, by Representatives Tilly, Whiteside, Chandler, Kilbury and Newhouse:

Requesting that the apple blossom be designated the national flower.

POINT OF INQUIRY

Senator Grant: "Would Senator Sellar yield to a question? Senator Sellar, I have been concerned as to what has been holding up the adjournment sine die. Is this the bill?"

Senator Sellar: "This is it. We are going home."

Senator Grant: "Okay. If we get this one done, can we go home?"

Senator Sellar: "We can go home, Senator."

Senator Grant: "Fine."

The President declared the question before the Senate to be the roll call on final passage of House Joint Memorial No. 24.

ROLL CALL

The Secretary called the roll on the final passage of House Joint Memorial No. 24, and the memorial passed the Senate by the following vote: Yeas, 43; absent or not voting, 3; excused, 3.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Ridder, Sandison, Scott, Sellar, Stortini, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Woody—43.

Absent or not voting: Senators Bottiger, Mardesich, Talley—3.

Excused: Senators Murray, Rasmussen, Walgren—3.

HOUSE JOINT MEMORIAL NO. 24, having received the constitutional majority, was declared passed.

MOTION

On motion of Senator Knoblauch, Senator Fleming was excused.

THIRD READING

ENGROSSED HOUSE BILL NO. 620, by Representative Maxie:

Authorizing certain supplemental payment survivors option under state universities retirement plans when employee otherwise eligible but died without exercising option.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 620.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 620, and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 4; excused, 3.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—42.

Absent or not voting: Senators Bottiger, Donohue, Francis, Mardesich—4.

Excused: Senators Fleming, Murray, Rasmussen—3.

ENGROSSED HOUSE BILL NO. 620, having received the 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 Sandison, the Senate returned to the sixth order of business.

On motion of Senator Sandison, the Senate commenced consideration of Engrossed Substitute House Bill No. 207.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 207, by Committee on Local Government (originally sponsored by Representatives O'Brien, Blair, Douthwaite and Gaines):

Authorizing cities and towns to provide certain off-street parking in manner their legislative authority provides by ordinance.

The bill was read the second time by sections.

Senator Herr moved adoption of the following amendment:

On page 1, line 27, after "*facilities.*" insert "*Such facilities shall not be operated by a city except in accordance with the provision of RCW 35.86.040.*"

Debate ensued.

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

There being no objection, the amendments to page 2, line 3 and page 3, line 19 by Senator Herr on the Secretary's desk, were withdrawn.

On motion of Senator Fleming, the rules were suspended, Engrossed House Bill No. 207 was advanced to third reading, the second reading considered 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. 207, and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; absent or not voting, 1; excused, 2.

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

Voting nay: Senator Herr—1.

Absent or not voting: Senator Mardesich—1.

Excused: Senators Murray, Rasmussen—2.

ENGROSSED HOUSE BILL NO. 207, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 9:58 a.m., on motion of Senator Bailey, the Senate was declared to be at ease.

The President called the Senate to order at 12:30 p.m.

MOTION

At 12:30 p.m., on motion of Senator Mardesich, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

MOTION

On motion of Senator Knoblauch, Senators Herr and Keefe were excused.

PERSONAL PRIVILEGE

Senator Lewis (Harry): "I would just like to announce that Dee is back, and she was with me for eight or nine years and she finally gave up that soft job over at the court house for the judges and she is back, so if you like your old friends and might remember Dee, she is back."

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Engrossed House Bill No. 176.

SECOND READING

ENGROSSED HOUSE BILL NO. 176, by Representatives Ceccarelli, Pardini, Hendricks and Matthews:

Providing for public employee deferred compensation.

The bill was read the second time by sections.

On motion of Senator Woody, the rules were suspended, Engrossed House Bill No. 176 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

MOTION

Senator Grant moved that Engrossed House Bill No. 176 be referred to the Committee on Ways and Means.

Debate ensued.

The motion by Senator Grant failed on a rising vote.

MOTION

On motion of Senator Walgren, Engrossed House Bill No. 176 was ordered held on third reading following consideration of Engrossed Substitute House Bill No. 591.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Engrossed Substitute House Bill No. 591 on third reading.

THIRD READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 591, by Committee on Commerce (originally sponsored by Representatives O'Brien, Warnke, Newhouse, Bausch and Ceccarelli):

Authorizing state funding for international trade fairs.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 591, as amended by the Senate, on reconsideration.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 591, as amended by the Senate, and the bill passed the Senate, on reconsideration, by the following vote: Yeas, 29; nays, 19; excused, 1.

Voting yea: Senators Bailey, Beck, Buffington, Day, Donohue, Fleming, Goltz, Guess, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, McDermott, Odegaard, Peterson, Pullen, Ridder, Sandison, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Washington, Woody—29.

Voting nay: Senators Benitz, Bluechel, Bottiger, Clarke, Cunningham, Francis, Gould, Grant, Jones, Mardesich, Matson, Morrison, Newschwander, North, Rasmussen, Scott, Walgren, Wanamaker, Wilson—19.

Excused: Senator Murray—1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 591, as amended by the Senate,

having received the constitutional majority, on reconsideration, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Van Hollebeke, Engrossed Substitute House Bill No. 591, as amended by the Senate, was ordered immediately transmitted to the House.

MOTION

On motion of Senator Mardesich, the Senate resumed consideration of Engrossed House Bill No. 176 on third reading.

THIRD READING

ENGROSSED HOUSE BILL NO. 176, by Representatives Ceccarelli, Pardini, Hendricks and Matthews:

Providing for public employee deferred compensation.

The Senate resumed consideration of Engrossed House Bill No. 176 from earlier today.

MOTION

On motion of Senator Walgren, the rules were suspended and Engrossed House Bill No. 176 was returned to second reading.

Senator Walgren moved adoption of the following amendment:

On page 1, line 10, after "members" strike all the matter down through "Governor" on line 18 and insert "as follows: The insurance commissioner, state treasurer, supervisor of savings and loan, supervisor of banking, and attorney general, or their designees"

Debate ensued.

The motion by Senator Walgren failed and the amendment was not adopted on a rising vote.

POINT OF INQUIRY

Senator Walgren: "Will Senator Woody yield please? Senator Woody, now that we have created a special interest committee in this bill, I am just wondering whether or not it is the intent of the Senate that only one plan come out of the committee or whether it is the intent of this Senate and the legislature to provide a number of plans for the availability and choice of the employees of this state?"

Senator Woody: "As was said in the committee hearing in which you were in attendance, the definite statement made was that there would be a whole variety of plans approved and that we would not want at all a situation where there would be one plan, whether it be one plan by an insurance company, a bank, a credit union, or anyone else. In fact, the testimony was that in all probability, for example, in the savings and loan industry, every savings and loan bank are all regulated by the same statutes, they cannot really offer anything that is much different from somebody else excepting perhaps prepaid mailers, that they would all be offering this sort of package to the various city employees, county employees or state employees. I might note, since you asked me about the bill, Senator Walgren, I am looking at section 4. It is on second reading. It does have an emergency clause on it, Senator Newschwander. I am reading now from one of a variety of messages I am receiving from the second floor sending things back to us saying, 'Section 2 of the bill declares an emergency, provides for the act to take effect immediately. The bill does not measure up to the standard of urgency contained in Article Two, Section 1(b) of our Constitution. As I have already done on several recent occasions I am compelled to veto the emergency clause in this bill because it is unwarranted.' I have about four or five or six of these messages from the Governor on my desk and I know that this particular bill, 176, is something that his agency, OPP and FM, wants. It is going to be very interesting on my part to see whether subsection (4), new section 4 of 176 survives the veto pen. In other bills it does not. If it survives the veto pen in this particular matter, then I am going to be forced to believe that any bill the

Governor wants that has an emergency clause on it is all right but any one we want, we the representatives of the people, if he does not like it then he will veto it."

POINT OF INQUIRY

Senator Washington: "Senator Woody, would you yield to a question? I am not familiar with the deferred compensation plan, just how it works. Is it necessary that we pass this bill and set up a commission in order for employees to be able to take advantage of deferred compensation as provided in the Internal Revenue Code?"

Senator Woody: "Under current Internal Revenue Code law, like the old Kehoe plan, this is not the Kehoe provision, however, any person who is a city, county, state employee or port employee, can exercise the option to have part of their compensation deferred until later years. The particular problem is, let us say you work for a small district, then the port manager has to okay the particular plan that is being presented by the vendor, in essence, whether it be an insurance salesman, a bank, investment company, or whatever and as I recall the testimony in the committee hearings there are over two hundred of these subagencies or sub-political governments and none of them have people that are really qualified or competent to be able to pass on the competency of the offered plans. The entire idea before this bill is that there be one commission to be able to pass on the competency of the offered plans. Technically, however, at this time if you are an insurance salesman you could approach a small port district or a city and say, 'I have got this great deferred compensation plan. Would you please okay it so that I could offer it to the city employees or the port employees?' And at that point if it is okayed the city or port employees, whatever the employment basis be, on an option basis can get into the plan. It is not required of them that they get into it, however. At the current time, with over two hundred of these there have been virtually none of them that have passed upon a deferred compensation plan."

Senator Washington: "Now perhaps I did not get all the import of your answer, but would it not be possible for some agency in the state just to allow any plan that an employee were to purchase or be interested in, that plan like any insurance policy be approved, and that way you could have fifty, one hundred or two hundred plans as long as any of them met with approval, rather than getting into a commission and, say, establishing six plans, seven plans, ten plans or whatever we want to do?"

Senator Woody: "There is no question but that what you say could occur. However, even the agencies in the state of Washington from the General Administration Department, Motor Vehicles, none of them have anybody in their employ that they can say is an expert at being able to look at these offered plans. Now they might just say, 'Well, Mr. Employee, if you want to buy one of these things, go ahead and do it,' but they have sort of a proprietary interest over their employees and do not want, in essence, their salaries being whittled away on these deferred compensation plans unless they are valid ones so they are taking care of their employees."

Senator Washington: "Thank you."

POINT OF INQUIRY

Senator Walgren: "Would Senator Woody again yield to a question? Senator Woody, would it be your belief that after the committee has met and adopted plans, that they would probably be the model for the local governments to follow in this state? You would not expect local governments to develop a plan and go through the process of IRS"

Senator Woody: "In all probability, if the commission meets and accepts certain types of plans, and I am talking about in broad generalities, that would probably be the tendency. Like anything else, a small unit of government is going to look at the work done by somebody else and model themselves after that."

Senator Walgren: "Senator Woody, in light of your earlier response, I am looking at page 3, line 9. Now you indicated, at least it was your intent and you believed the intent of the Senate, that they would adopt a number of plans that could qualify, and yet the language of this bill on line 9 says 'plan or plans' so obviously the committee could

come back with one set plan which probably would be the model for all the local governments in the state of Washington to adopt."

Senator Woody: "There is no question but, for example, with insurance they could say that there will be a plan, not in a particular insurance company but a particular plan and we will follow that plan, and then all the insurance companies who are in the business of offering deferred compensation insurance or programs would then model their plan after that model."

Senator Walgren: "Senator Woody, the word 'plan' appears to be singular to me, especially when it is used in light of the further word 'or plans.' Would you have any objection, on line 9, to strike the words 'plan or' so that it just reads, 'provides such plans as it deems appropriate'? After all, that is in direct response and concurrence with your answer."

Senator Woody: "Since policy does not mean plan, it would make very little difference. A policy is not a plan and a plan is not a policy. The plan is merely the model, much the same as the Insurance Commissioner now does when he says that an auto carrier or casualty carrier, if offering that policy within the state of Washington, shall offer it along the following model. I am sure that Joe what's-his-name up in Seattle would not be affected one way or the other by whether plan is singular or plural."

Senator Walgren moved adoption of the following amendment:

On page 3, line 9 of the engrossed bill, being line 4 of the printed bill, strike "*plan or*".

PARLIAMENTARY INQUIRY

Senator Bottiger: "When they are asking these questions and answers, do they get three minutes or six?"

REPLY BY THE PRESIDENT

The President: "The President actually was not timing them, Senator Bottiger, but the President will take your question under advisement and try to develop an answer."

POINT OF INQUIRY

Senator Walgren: "Will Senator Clarke yield please? Senator Clarke, is it not correct that the way the bill is worded with 'plan or plans' that the committee could adopt one single plan to govern the deferred compensation program of this state, not only for the state but for everybody of local government?"

Senator Clarke: "They could adopt one plan and one plan only that they approved but this could not in any way prevent any body of local government from adopting their own plan nor could it prevent any individual from belonging to any other plan which he or she desired to adopt."

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "I do have another question, Mr. President, if I may, of Senator Woody, which may relate to a further amendment, if you please. My concern is, on page 1 in the new section, Senator Woody, and I am not entirely familiar with what you have planned or what the committee was on line 22, the committee is formed already and appointed by the Governor, 'All expenses of the committee include the staffing and administrative expenses shall be paid out of the deferred compensation revolving fund.' Do they anticipate hiring an executive secretary and forming an investment committee themselves, such as a mutual fund or—I will ask all of the question and then you can answer it all at once if you will. Then the thirty-five thousand dollar revolving fund, this of course could turn over several times a year but it does not specify how this is going to be paid, what percentage is coming out of the employees; deferred compensation, and none of this is spelled out in the bill as far as I can determine. Maybe you can indicate where it is spelled out."

Senator Woody: "In answer to your first question, nothing in the bill permits the state to set up their own mutual plan, so to speak. The only authority they have is to be able to pass upon the offers made by whether it be insurance companies, banks, mutual

savings, mutual banks, savings and loans or investment companies, as it says on the top of page 3. They were not concerned at all about the necessity of setting up a staffing because at this point they would not be meeting that often. You will notice the only references so far as expenses are 43.03.050. That is the twenty-five dollar per day per member and the .060 which is thirteen cents per mile."

Senator Rasmussen: "This is true. This is the committee. I am speaking of the staffing, the administration expense. This includes staffing and administrative expense, which of course would be a salary deal, presumably in the twenty-five thousand or twenty to twenty-five thousand a year range if you have an executive secretary, but I do not see any place where it spells how this money is going to be derived from the employees deferred compensation in order to go into a revolving fund to pay this."

Senator Woody: "There is no authority in this bill to hire an executive secretary. As you know, executive secretaries are exempt from the civil service act. You would see a reference to the civil service act on an exempt basis as you have in other bills. There is not one in here."

Senator Rasmussen: "Why do we speak of staffing and administration then?"

Senator Woody: "You have to have a file clerk, on a part-time basis I suppose, to file some of these things when they come in."

POINT OF INQUIRY

Senator Washington: "In the hearings in the committee, is this type of legislation being sought after by the employee groups? Are they the chief proponents or are the chief proponents the insurance people who would be able to develop and actually operate the plan?"

Senator Woody: "The main proponent of this particular piece of legislation is the office of OPP and FM. The industries, the savings and loans, banks, insurance companies got together with OPP and FM and said, 'If you are going to have anybody examine our offerings you ought to have somebody with competence and we would rather have it through some sort of central commission rather than running to two hundred different organizations and having them look at our offerings and go through the same questions and answers.'"

Senator Washington: "Now as to the employees or employee organizations, what was their attitude toward it?"

Senator Woody: "They were not there. We heard nothing from them."

Senator Washington: "In other words, there did not seem to be any demand by the employees or the organizations themselves as far as the bill was concerned?"

Senator Woody: "No, you must understand that this is something that some outfit is going to sell to some employees. It is a deferred compensation plan. If it is through an insurance company, an insurance agent is going to sell them on it and it is like going to a bunch of people and saying, 'How come you did not come down here and talk to the legislative committee about buying a car that you are talking about buying in the future.' They are not going to come down and ask about something of that sort. It is only the interested groups."

Senator Washington: "Thank you."

Further debate ensued.

Senator Walgren demanded a roll call and the demand was sustained by Senators Fleming, Grant, Jolly, Rasmussen, Ridder, Van Hollebeke, Marsh and Stortini.

The President declared the question before the Senate to be the roll call on the amendment by Senator Walgren.

ROLL CALL

The Secretary called the roll and the amendment was adopted by the following vote: Yeas, 28; nays, 20; excused, 1.

Voting yea: Senators Bailey, Beck, Bottiger, Buffington, Day, Donohue, Fleming, Francis, Goltz, Grant, Henry, Herr, Jolly, Keefe, Knoblauch, Mardesich, Marsh, McDermott, Odegard, Peterson, Rasmussen, Sandison, Stortini, Talley, von Reichbauer, Walgren, Washington, Wilson—28.

Voting nay: Senators Benitz, Bluechel, Clarke, Cunningham, Gould, Guess, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Matson, Morrison, Newschwander, North, Pullen, Ridder, Scott, Sellar, Van Hollebeke, Wanamaker, Woody—20.

Excused: Senator Murray—1.

Senator Grant moved adoption of the following amendment:

On page 3, beginning on line 31 of the engrossed bill, being line 26 of the printed bill, strike all of section 4.

Debate ensued.

The motion by Senator Grant carried and the amendment was adopted on a rising vote.

On motion of Senator Grant, the following amendment to the title was adopted:

On page 1, line 5 of the title, strike "; and declaring an emergency".

On motion of Senator Woody, the rules were suspended, Engrossed House Bill No. 176, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Woody, now that you are clear what this is all about, would you please answer a question for me? Senator Woody, I would repeat my question, all expenses of the committee including staffing and administrative expenses shall be paid out of the deferred compensation revolving fund. The amount of compensation deferred or the amount paid by the employees under agreements entered into under the authority contained, that is RCW 41, which are the committee's expenses and per diem, shall be paid and the revolving fund shall be sufficient to cover the cost of administration. Now you also provide on the next page that any of the plans as we now have amended it, 'Any county, municipality or other subdivision of a state may elect to participate in any agreements entered into by the committee' but there is no provision for the transfer of local funds into the state committee that are set up with the administration and the staffing to carry out the purposes of the act. How are they going to transmit these funds; what percentage of the employees funds are going to be paid into the revolving fund; how are the local units of government going to transmit expenses into the revolving fund?"

Senator Woody: "The local governments are not going to be transferring anything into the deferred compensation revolving fund from their own general accounts. If a particular insurance company or a bank, for example, made an offering to the state of Washington and that offering were accepted, they would be paying into the deferred compensation revolving fund. If, on the other hand, they were to make the offer to a city or a port district or a county, for example, but their plans were accepted by the commission, then with their plan as such, they would be making payments into the deferred compensation revolving fund but it would be not going to the city, port or to the county or any other political subdivision. It would be made directly from the offeror to the state."

POINT OF INQUIRY

Senator Grant: "Would Senator Woody yield to a further question? Senator Woody, I am still not clear as to how this revolving fund is derived. Can you give me an estimate of the number of employees who would have to participate in a deferred compensation program and just what portion of their premium dollars would be necessary in order to establish this kind of revolving fund? I am not clear as to how the bill really deals with the revolving fund aspects."

Senator Woody: "As you can see, Senator Grant, from looking at the bill, there are none at the current time, so it would have no effect until one offer is made and accepted. At that time there will be one employee and then when there is another one there will be a second employee."

Debate ensued.

POINT OF INQUIRY

Senator Lewis (R. H. "Bob"): "Would Senator Woody yield? Senator Woody, as

Senator Clarke explained, the benefits of this to the public employees permits them to participate in groups, permits those institutions that offer the plans to deal in larger numbers and in groups, would there likely to be a twenty-five or fifty cent service charge by those financial institutions to the participants that would go to make up this revolving fund?"

Senator Woody: "If that proposal is made to the commission and the commission accepts that proposal, yes, that is one avenue that could be taken. The other avenue, for example, if an insurance company were to sell a plan, the insurance company, for the privilege of doing business of that sort, may be requested to pay out of its own funds the privilege of doing this, so it could be either way."

Senator Lewis (R. H. "Bob"): "Further, Senator Woody, is it not also very plain and simple that this would be of benefit to the employees of the state to be able to participate in these plans to help with their deferred compensation plans, taking their compensation late in life and therefore being able better to prepare for their retirement?"

Senator Woody: "There is no question about that. I had mentioned to Senator Washington the Kehoe plan and that was, under today's standards, a rather antiquated technique that the Internal Revenue Service offered us and at the current time governmental employees need this sort of an approach to be able to defer compensation. Let me give you an example. If somebody is in their fifties, their children are raised, their house is almost paid for, yet they have been in a particular job long enough so that they are at the higher end of the earnings scale, they may not need all that income at the present time. They may want to defer some of that, like up to twenty-five percent, to the time when they are retired. They may be at a fifteen, eighteen, twenty, twenty-two thousand dollar adjusted gross income level and as a result, of course, if they do not need all of that cash at the current time they may well want to defer that off until they are age sixty-five in which they may be down around the six, eight, ten, twelve thousand dollar adjusted gross income and will be paying as a result substantially less income tax on that. In professional sports this is a big thing where there is a lot of money involved. They defer a good deal of it as far away in the future and as much amount as the Internal Revenue Service will permit. It just makes good business sense for one's own income tax."

Further debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Will Senator Mardesich yield to a question? Senator Mardesich, I fully understand that if an employee can defer twenty-five percent of his income until a later date when he has smaller income that he is going to make a saving in taxes. What I do not understand and it is still sticking in my craw, the staffing and the administration. I can understand the approval, that we will approve 'X' number of plans and the employees may go into it. It is my understanding that under the Internal Revenue Code now credit unions, mutual savings banks, all types, may participate if you want to designate, individually, twenty-five percent of your income. Now what is this group going to do with the administration and staffing?"

Senator Mardesich: "I assume that part of that function will be the problem of acquainting, in the first instance, the electorate, as it were, the employees of the various agencies what the plans are, having the staff come to this board and say, 'We have reviewed all the plans; here are the thirty alternatives that have been presented to us and which are available. We as a staff suggest, after study and review that there may be four or five most appropriate plans and we recommend these to the board.' Now I would envision and I hope that the Ways and Means Committee would keep this in mind, it is my impression that once that has been accomplished that then there is very little more to do and I think that is exactly the need for the appropriation at this time is to set up the number of plans, and beyond that there would be very little that would be necessary to be done and very little in the way of staffing required."

Senator Rasmussen: "I agree with you, then the staffing should be eliminated. Then my question is, if it was the intent of this committee to staff and, say, five hundred employees want to take twenty-five percent of their income and put it in triple A bonds at

ten percent, if that was their intention, and it has never been made clear if they were going to operate as a separate sort of a mutual fund by themselves, and I do not think that is our intent to let them do that."

Senator Mardesich: "No, I do not believe it is. No. And I do believe that there would be a large enough number of employees who would try to avail themselves of the benefits of the deferred income plan so that it would be in a position to pick up the administrative costs in the first year, and I would, as I say, hope that the committee would then recognize that if there have been a series of plans adopted there is no longer a need for such an expenditure in the ensuing bienniums with respect to administrative expense. I do not know too much about the subject, actually, other than exactly what I have told you, and I do not know what all the ramifications are with respect to who sells it and all the rest of the stuff."

Further debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 176, 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 Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Francis, Gould, Guess, Henry, Herr, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, Walgren, Wanamaker, Woody—38.

Voting nay: Senators Fleming, Goltz, Grant, Jolly, McDermott, Ridder, von Reichbauer, Washington, Wilson—9.

Absent or not voting: Senator Donohue—1.

Excused: Senator Murray—1.

ENGROSSED HOUSE BILL NO. 176, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Engrossed Second Substitute House Bill No. 827.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 827, by Committee on Constitution and Elections (originally sponsored by Representatives King, Lysen, Brown, Knowles, Erickson and Chandler):

Providing changes in public disclosure provisions.

Senators Mardesich, Herr and Matson demanded a Call of the Senate. A Call of the Senate was ordered.

CALL OF THE SENATE

The Sergeant at Arms locked the doors of the Senate Chamber. The Secretary called the roll on the Call of the Senate, all members being present except Senator Murray who was previously excused.

MOTION

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

POINT OF INQUIRY

Senator Cunningham: "I wonder if Senator McDermott would yield to a question? Senator McDermott, today on my desk I have had placed this little doomsday notice

and I am wonder if you know—I know you know things I do not but I am wondering if in this specific case you know something I do not."

Senator McDermott: "On the basis of a doctor-patient relationship, I have to refuse to answer that question."

MOTION

At 3:00 p.m., on motion of Senator Mardesich, the Senate was declared to be at ease.

The President called the Senate to order at 4:55 p.m.

MOTION

On motion of Senator Mardesich, Engrossed Second Substitute House Bill No. 827 was ordered to hold its place on the second reading calendar.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Engrossed House Bill No. 344.

SECOND READING

ENGROSSED HOUSE BILL NO. 344, by Representatives Savage, Thompson and North (by Department of Labor and Industries request):

Prescribing changes in industrial insurance procedures.

The bill was read the second time by sections.

On motion of Senator Ridder, the rules were suspended, Engrossed House Bill No. 344 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Matson: "Would Senator Ridder yield to a question? On page 5 of the bill, Senator Ridder, line 31, do you have that?"

Senator Ridder: "I do not have it in front of me yet."

Senator Matson: "Will Senator Grant yield? The original language said that the employers or their duly authorized representatives may review the files of their own injured workmen. The new language strikes 'the' and adds 'any'. Would it be your interpretation that this is restrictive, expansive, or simply does not change what has been occurring under these conditions at the present time?"

Senator Grant: "I have discussed this with Steve Way, the Supervisor of Industrial Insurance, that specific language, and he informs me that the department will very likely administer the law the same way they are now, so I do not know that it is a real critical issue. It has also been discussed with labor, that particular item, and it expands in some respects but restricts in some respects. I cannot give you any better answer than that, Senator Matson."

Senator Matson: "Correct me if I am wrong, I think you said it would not change present practice."

Senator Grant: "That is what I get from the department, yes."

Senator Matson: "Thank you."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 344, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich,

Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—48.

Excused: Senator Murray—1.

ENGROSSED HOUSE BILL NO. 344, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Engrossed House Bill No. 578 on third reading.

THIRD READING

ENGROSSED HOUSE BILL NO. 578, by Representatives Bauer, Brown, Bender, Fortson, Clemente, McKibbin and Seeberger:

Adding restriction on the distribution of state aid to school districts on basis of ratio of pupils per classroom teacher.

Debate ensued.

POINT OF INQUIRY

Senator Jones: "I wonder if Senator Gould would yield to a question? Senator Gould, could you tell me what this would cost my major school district, the Bellevue School District?"

Senator Gould: "Yes, Senator Jones. In studying this bill and trying to make some determination myself on the bill, I was able to get from the sponsors some information about which school districts in the state now do not comply and in order to understand what the impact would be or what the need would be to comply with the bill. I think there are fifteen districts that do not now comply and would have to comply. For instance, in the Bellevue School District you have under this a pupil per certificated teacher ratio of twenty and one-half, twenty point five seven in the K-3 and twenty point two seven in the higher grades and that means a half a student difference, and in calculating out just mentally to myself, that would probably mean an addition of, I think I figured fourteen or fifteen teachers which would probably be one hundred and fifty thousand dollars in the Bellevue School District.

"Now there is another way that you can take care of this. Instead of raising or lowering the number of students per teacher in the third grade, you can take care of it by lowering what you offer in the high school level and, for instance, the advanced programs in maybe advanced calculus where you may have only ten or twelve students or any program where there are fewer students than normal but which are carried by school districts because they are specific programs that are needed. There are two ways you can balance it and that is one of them. Either you put the teachers in to accommodate the difference or you take them out of the other grade levels."

Senator Jones: "The cost would be approximately fifteen teachers and the average salary in Bellevue is fifteen thousand a year that brings it to about two hundred and twenty-five . . ."

Senator Gould: "I think that is probably high. When I thought about it I figured about one hundred and fifty thousand so I would have to recalculate to make sure of that."

Senator Jones: "Thank you."

Further debate ensued.

POINT OF INQUIRY

Senator Ridder: "Senator Jones and Senator Gould, perhaps between you you might answer some of what I have perhaps misunderstood from what you were saying. If you were indicating that to add teachers to change that ratio for the lower grades, then

you would be talking about perhaps fourteen to fifteen, but my feeling would be in that fine Bellevue School District that the good administration that is there, it might be possible to shift, say, seven teachers from any grade level four and above in order to increase the ratio at the lower level. Would I be incorrect in making that assumption?"

Senator Gould: "That is a possibility that would depend upon the negotiated contract with the teachers, frankly, because a lot of this comes from the negotiations that are agreed to between the two parties."

Senator Ridder: "Many times this same sort of thing might be a negotiated item, would it not?"

Senator Gould: "Certainly. It could be a matter of negotiations. It has been, I think, for many years between districts. In the case of what you are saying, often in districts, say, at the first and second grade level you will have teachers who teach a full day and it is a short day. For instance, second grade, you keep kids usually there an hour less than you do other grades. I think we can all understand that. The additional hour that they have becomes a planning period. Many districts have since negotiated a planning period for the rest of the fourth through sixth grades or fourth through eighth, whatever you have in your elementary school, for the teachers because they do not have a planning period comparable to the first and second grades so they add, say, elementary and music teachers to take up that hour and give the regular teachers the planning period. This then changes your ratio of teachers. It does not change the number of kids that are in the classroom. It does change, in these figures, the number of teachers."

Senator Ridder: "I would understand that. I would make a contrary assumption to that of Senator Jones. I do not think we are actually mandating an additional cost. I think we are talking about some administrative changes, very definitely."

Senator Gould: "You would probably have to renegotiate your present schedule because if you do have teachers at a higher—let me back up. I always talk about the district I know best, but this is familiar to many districts. We have a hiring in ratio of kindergarten through the third grade of twenty-nine kids per teacher. At fourth through sixth grade we have thirty per teacher so our hiring ratio is lower at the lower grades."

POINT OF ORDER

Senator Francis: "Mr. President, does the three minute rule still apply?"

RULING BY THE PRESIDENT

The President: "Yes, Senator. At your suggestion the President will enforce the rule."

Senator Gould: "I will try to make my answer very brief. The choice of the requirement of a planning period for those upper grades, we hire extra teachers that are specialists in music and PE and it changes our ratio so that in this particular instance we come out lower in fourth and sixth grades when really we are not lower in the actual classroom size. I think that explains it."

Further debate ensued.

POINT OF INQUIRY

Senator Odegaard: "Mr. President and members of the Senate, page 2 of the bill, starting on line 13, would Senator Stortini yield to a question? On page 2 it presents 'Such rules and regulations shall allow for exemptions for those special programs and/or school districts which may be deemed unable to practically meet the pupil-teacher ratio requirements of this section by virtue of its small number of pupils.' Now with that I can see where the State Board of Education could excuse some districts from meeting these requirements if it would be deemed impractical for them to do it. However, I also see, I think we pointed out the other day a possible danger here that if the State Board saw it would be a way to force the merger of particular school districts because they could not meet the per pupil-teacher ratio required in the bill, that they might overlook this particular wording and then in the end after a few years the district might be out of

funds because of having to hire additional teachers at the K-3 level or whatever, and especially in the small districts, and eventually they would have to end up consolidated. I see that as a danger in this. Do you see any intent in this bill the State Board could use this to force school consolidation?"

Senator Stortini: "No, Senator Odegaard, I do not see a problem. In talking with the sponsor of the bill and also with Mr. Brouillet, when we talk about special programs we are talking about basically handicapped programs where the ratio right now is as low as one to four, one to five and six. When we talk about some of the small districts that just are not able to get the personnel, the intent is not to consolidate those small districts but to give some flexibility within those districts where the State Board of Education would not make it mandatory for them."

Further debate ensued.

POINT OF INQUIRY

Senator Guess: "Would Senator Stortini yield? Senator Stortini, you say that when a high school teacher quits they do not hire a high school teacher to replace him but they hire a third grade teacher. What kind of school system and what kind of a management is going to put a third grade teacher in a high school classroom?"

Senator Stortini: "I did not say that at all, Senator. I said when attrition takes place and a retirement takes place within a district—retirement, not termination, retirement—they can hire someone within that district as a second grade or third grade teacher. It might be someone just out of college that has prepared for that or it might be a teacher that . . ."

Senator Guess: "If they had the space and had the class and had the kids for a high school, why would they then not hire a replacement for a high school teacher?"

Senator Stortini: "When you look at accreditation, accreditation takes place in the seventh through the twelfth grade, in order to be accredited you have to have a ratio of twenty-five to one. So you will find that when hiring takes place it is the K through the primary schools that really are hurt because they are not accredited. In order to meet that accreditation it is that high school counselor or that high school librarian or the high school teacher that is hired to a much greater extent than that one down in the primary school."

Senator Guess: "What happens to those students that were under that high school teacher that retired, Senator Stortini?"

Senator Stortini: "All I can do now is look at my own school district. There is no problem whatsoever. Most of your high schools, for example, have gone on the quarter system and you will find that there are a number of classes in high school right now due to that quarter system, especially during the third quarter right now in the spring, that have classes as small as fifteen to twenty-five, mainly because of the opportunity of being able to make more classes. I do not think there is any problem whatsoever in that they simply are able to, in your school districts, move into other classes."

Senator Guess: "Okay, you say that those classes are offered so many more classes are down to a ratio of fifteen to one, then that means that next fall, the K through 3 is going to have to have fifteen to one. Is that right?"

Senator Stortini: "No, under this proposal here, as it says on lines 5 and 6, 'in grades kindergarten through three is not greater.' In other words, if high school is twenty to one, then the K through third grade shall be twenty to one or less."

Senator Guess: "Then what happened to that classroom that had only fifteen kids in it? You mean they are going to have to have the K through 3 also down to fifteen?"

Senator Stortini: "When new classes take place the counselors simply distribute them among the teachers that are there."

Senator Guess: "The whole thing about this is that what we are doing is that we are going to increase the cost of the K through 12 system by this device that we have here, and that last illustration that you gave acknowledges that."

Senator Stortini: "I do not think that is true at all."

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 578, on reconsideration.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 578 and the bill passed the Senate, on reconsideration, by the following vote: Yeas, 25; nays, 23; excused, 1.

Voting yea: Senators Bailey, Beck, Bottiger, Day, Donohue, Fleming, Francis, Grant, Henry, Herr, Keefe, Knoblauch, Marsh, McDermott, Newschwander, North, Rasmussen, Ridder, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Woody—25.

Voting nay: Senators Benitz, Bluechel, Buffington, Clarke, Cunningham, Goltz, Gould, Guess, Jolly, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Matson, Morrison, Odegard, Peterson, Pullen, Sandison, Scott, Sellar, Wanamaker, Wilson—23.

Excused: Senator Murray—1.

ENGROSSED HOUSE BILL NO. 578, having received the constitutional majority, on reconsideration, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Reengrossed House Bill No. 285.

SECOND READING

REENGROSSED HOUSE BILL NO. 285, by Representatives King, Jueling, Connor, Adams, Luders, Laughlin, Savage, Chandler, Blair, Chatalas, Haley, Charnley and Hanna:

Providing for the designation of certain specified fire and police department positions as public employees.

REPORT OF STANDING COMMITTEE

March 7, 1975.

REENGROSSED HOUSE BILL NO. 285, providing for the designation of certain specified fire and police department positions as public employees (reported by Committee on Labor):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 18 of the reengrossed and printed bill, after "(c)" strike "whose duties as deputy, administrative assistant or secretary necessarily imply a confidential relationship to the executive head or body of the applicable bargaining unit, or" and insert "[whose duties as deputy, administrative assistant or secretary necessarily imply a confidential relationship to the executive head or body of the applicable bargaining unit, or]"

On page 1, line 23 of the reengrossed and printed bill, after "employer" and before the period insert ", or (d) who is a confidential employee as defined in this section".

On page 2 of the reengrossed and printed bill, add a new subsection to read as follows:

"(7) 'Confidential employee' shall mean employee who assists and acts in a confidential capacity to persons who formulate, determine and effectuate management policies with regard to labor relations or regularly substitutes for employees having such duties."

Signed by: Senators Ridder, Chairman; Bailey, Grant, von Reichbauer.

The bill was read the second time by sections.

On motion of Senator Ridder, the committee amendments were considered simultaneously.

On motion of Senator Ridder, the committee amendments were not adopted.

Senator Morrison moved adoption of the following amendment:

On page 1, line 23, after the period strike the remainder of the paragraph and insert

“: PROVIDED, That the term ‘public employee’ includes all uniformed personnel of city or county police departments, a county sheriff department, a city fire department or a fire protection district below the second level of supervision and those uniformed personnel at or above the second level of supervision who do not have the authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment: PROVIDED FURTHER, That any person who is a member of any organization, union or association composed of ‘public employees’ on the effective date of this amendatory act may maintain such membership, notwithstanding the provisions of this section.”

POINT OF INQUIRY

Senator Talley: “Will Senator Morrison yield? Senator Morrison, at home we have a fire department and we have the chief and the captain and the lieutenant, and the same in the police department. Now those three men would be exempt then, right?”

Senator Morrison: “Under this particular amendment it would say that the first level supervisor you have the policeman. He does not really supervise anything, but the lieutenant then is the first level of supervision. The lieutenant would be in the same bargaining unit as the basic policeman is, the patrolman. The third person up is above the magic line and he would be automatically exempted from being in the unit. He would be part of the management team.”

Senator Talley: “Then it would be just the chief and the captain?”

Senator Morrison: “Excuse me. Your structure was . . .?”

Senator Talley: “Chief, captain and lieutenant.”

Senator Morrison: “Chief, captain and lieutenant. Do you have any patrolmen under them?”

Senator Talley: “Oh yes, the patrolmen, yes.”

Senator Morrison: “Chief, captain, okay, you would have the patrolmen and the lieutenants in the bargaining unit. The captains and the chiefs then would be in the management units, according to this amendment, unless you have a different structure now. If the structure is different now, they are grandfathered in the unit as the way they are.”

Senator Talley: “If they are under a system now they are grandfathered in?”

Senator Morrison: “That is right.”

Senator Talley: “Thank you.”

POINT OF INQUIRY

Senator Wilson: “Would Senator Morrison yield? What would be the effect of your amendment on a typical rural area county sheriff’s office which often consists of the sheriff, a chief deputy, and eight or ten deputy sheriffs?”

Senator Morrison: “The eight or ten deputy sheriffs would be comparable to patrolmen, I presume. The next level of supervision up would be in the same bargaining unit as the patrolmen, in effect, so in your particular unit just the top man would be outside and would be considered part of management. This is a protection. The second level of supervision is a line that many of our units of local government do not like, but it is a protection. It is an admission to the police and fire unions that are involved that I do not think management should be pushing down on into their logical ranks, so this amendment I think is a compromise that I think will finally achieve some peace. Otherwise, if we do not have this bill and this amendment, we are going to have court cases in every county in this state and I would like to see the legislature step in and solve some of these problems.”

Senator Wilson: “Senator Morrison, with respect to this situation then, in a sense it would leave the elected sheriff with no single member of his department who was not a member of the bargaining unit with whom he could discuss the management problems, in effect, in confidence. Is that correct?”

Senator Morrison: “I think the option for them to be in or out of the unit would be

optional. If his next level of supervisors wanted to be out of the unit I think they could opt to be out."

Senator Wilson: "Then it would be optional with the chief deputy sheriff as to whether he belonged to the bargaining unit or did not?"

Senator Morrison: "Yes, that is true."

Debate ensued.

Senator Talley demanded a roll call and the demand was sustained by Senators Walgren, Jolly, Ridder, Rasmussen, Bailey, Van Hollebeke, Stortini, Knoblauch and Herr.

The President declared the question before the Senate to be the roll call on the amendment by Senator Morrison.

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 Benitz, Bluechel, Bottiger, Clarke, Cunningham, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Jolly, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Matson, Morrison, Newschwander, North, Pullen, Scott, Sellar, Van Hollebeke, Wanamaker, Washington, Wilson, Woody—29.

Voting nay: Senators Bailey, Beck, Buffington, Day, Herr, Keefe, Knoblauch, Mardesich, Marsh, McDermott, Odegard, Peterson, Rasmussen, Ridder, Sandison, Stortini, Talley, von Reichbauer, Walgren—19.

Excused: Senator Murray—1.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, on motion of Senator Grant, on a rising vote, the Senate moved to reconsider adoption of the amendment by Senator Morrison.

MOTION

Senator Grant moved that adoption of the amendment, on reconsideration, be held for June 4, 1975.

PARLIAMENTARY INQUIRY

Senator Lewis (Harry): "Could you tell me the count again please?"

REPLY BY THE PRESIDENT

The President: "Twenty yeas, nineteen nays."

Senator Lewis (Harry): "What is twenty and nineteen, Mr. President. I believe that is forty-nine—thirty-nine. Oh, thirty-nine. Twenty and nineteen is thirty-nine. Mr. President, are we under a Call of the Senate?"

REPLY BY THE PRESIDENT

The President: "Yes, Senator."

Senator Lewis (Harry): "I demand a roll call, Mr. President."

Senator Walgren: "Has the President announced the vote? Had the gavel fallen? I very distinctly heard the gavel fall."

REPLY BY THE PRESIDENT

The President: "Yes, the vote was announced, Senator Lewis, and the gavel did fall."

PARLIAMENTARY INQUIRY

Senator Lewis (Harry): "Under a Call of the Senate, is it not a rule of the Senate that everybody should vote? Is there a rule that stipulates on a roll call only? I wonder if you could give me your judgment on that area."

REPLY BY THE PRESIDENT

The President: "We will research that, Senator Lewis."

REMARKS BY SENATOR HARRY LEWIS

Senator Lewis (Harry): "The dilemma I have, I would just like to speak to it to you briefly, sir. The dilemma I have is that under a Call of the Senate each member is in the body. Under the Constitution I believe the members are required to vote when they are here unless they are excused for some purpose. If we have a division, in effect then we do not have a count of the vote. If we do not have a division, then we are counting the votes and if we record a vote under a Call of the Senate that does not contain the members of those in the Senate under the Call, then it appears to me that we have a problem which I think we would be obviating if we accepted that roll call without all members being recorded. That is the problem that I have. It seems to me that if we were to rule that the members did not have to vote on a division, that then we would be excusing the members from a constitutional requirement. I just mention that for your perusal."

REMARKS BY SENATOR MARDESICH

Senator Mardesich: "Mr. President, I am inclined to agree with Senator Lewis to an extent. However, an objection must be made timely, whether under a Call or otherwise, and the failure to make the objection makes it impossible to cure the ill."

REMARKS BY SENATOR HARRY LEWIS

Senator Lewis (Harry): "Mr. President, in response to that, it would seem to me that the constitutional requirements are greater than the question of a technicality in parliamentary rules on the timeliness of an objection. Secondly, it is very difficult from the time of the announcement of the vote until the gavel falls to collect oneself to be sure to add the numbers. I could not even add the numbers right. I was trying to scramble to my feet for that purpose. I think Senator Mardesich's arguments would obviate the Constitution."

REMARKS BY SENATOR MARDESICH

Senator Mardesich: "Mr. President, if Senator Lewis had been following the Constitution he would have been within the bar as required."

REMARKS BY SENATOR BAILEY

Senator Bailey: "Of course, Senator Lewis had trouble adding nineteen and twenty but I think that if we adopted that sort of rule we would have to then, after this, under Call of the Senate, have no further amendment votes, no further voice votes. Every vote to conform with the Constitution as Senator Lewis reads it, we would have to sit here and call a roll call vote and be sure that all thirty-nine or forty-nine were present because you never know, Senator Lewis, when I might oppose something that you put through with the other forty-eight members and it would be my constitutional right then to demand, or to be on record as being sure that no one is sitting out in your office or in my office or someplace else and I think it would be very unusual to start this. If we did it we are really going to tie ourselves into our seats all during every Call of the Senate hereafter."

REMARKS BY SENATOR HARRY LEWIS

Senator Lewis (Harry): "Senator Bailey, in response to that, you know the problem I have, if we have a voice vote, we do not establish the number that are voting, but when we go under a Call of the Senate we make the determination for the record of who is in the Senate. Now in the House they have ruled on this in the past few years four or five times that on a voice vote or on a roll call everyone must vote when under the Call and under a division. The thing that concerns me is if we just have a voice vote we assume everybody is here, but when you once tally, those members who did not vote then are really in violation of a constitutional mandate in my judgment and under Reed's. Otherwise you are excusing them from their elected purpose. When we put the issue in front of the people, which is what we do when we make a count for the record, I do not believe that we can eliminate them from their constitutional oath as a Senator from taking that responsibility. When we verify it in the record by numbers."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "In answer to Senator Lewis in your position taken on the House, they were under the Call of House and every member voted, but there was a large number of members that were not present in their seats but they voted anyway and that is what got them into a snafu over there and we would not want to get into that type of mixup over here on this side. They were recorded as being present and voting but they were not in their seats. However, I agree with Senator Bailey that we do not require a constitutional majority to adopt an amendment when we are perfecting the bill, but after the bill is perfected, then we require a constitutional majority to vote on the bill before it is declared passed so that we would be tying ourselves up, in fact, in the last standing vote that we took some people did not vote. They did not vote on either side and some people voted on both sides and it would be a little bit hard to keep them separated."

REMARKS BY SENATOR BAILEY

Senator Bailey: "To confuse you a little further, I think Senator Grant's motion for reconsideration, I realize there is an issue here and I think he also moved that we hold it over until tomorrow. Isn't that right? Now the point I would get to, Senator Lewis, is that you have raised an issue which should be researched and I do not think that you, as a fair Senator, have ever denied the right to reconsider a bill. I know I always vote for reconsideration even if I am opposed to the bill, but I just wondered if maybe we could not have this researched a little more and carry on Senator Grant's motion to put it over until tomorrow and proceed in order."

POINT OF INQUIRY

Senator Lewis (Harry): "I wonder if Senator Mardesich would yield to a question? I believe this question, Senator Mardesich, could help clarify the issue. How did you vote on the issue?"

Senator Mardesich: "Mr. President, I did not vote."

REMARKS BY SENATOR CLARKE

Senator Clarke: "I suggest that Reed on Rule No. 235 which says, decisions of points of order and so forth during divisions, 'While a division is going on, all questions as to who has the right to vote and as to members being excused from voting must be decided by the presiding officer without appeal and without debate, although he may, if he chooses, ask advice, which members must give sitting. After the division is over, the assembly may correct any error made by the presiding officer. The presiding officer is vested with this temporary power because divisions upon divisions might lead to infinite confusion.' I suggest that when it is made apparent by the count that all persons present had not voted, then the presiding officer certainly has the right, when it is called to his attention, to correct the matter by, in effect, asking for a corrective vote of all members present, and under a Call those must be all members except those excused."

REMARKS BY SENATOR MARDESICH

Senator Mardesich: "Mr. President, I would agree that the President has the right to call but if he does not, the failure on the part of any member of the body to object cures the ill. I think on a roll call, there is no question but on a roll call you must answer because that is what the rule provides."

REMARKS BY SENATOR MARSH

Senator Marsh: "Mr. President, speaking to the constitutional issue, I have just checked Article 2, Sections 21 and 22, on this issue. Section 21 says, 'The yeas and nays of the members of either house shall be entered on the journal on demand of one-sixth of the members present.' Section 22 says, 'No bill shall become a law unless on its final passage the vote be taken by yeas and nays, the names of the members voting for and against the same be entered on the journal of each house, and a majority of the members elected to each house be recorded thereon as voting in its favor.' Now I submit that we

did not vote by yeas and nays and so the constitutional provisions do not apply for two reasons: one, because we were not voting on yeas and nays, we were standing; and secondly, we were not on final passage which Section 22 talks to. Also, I have looked at Reed's and the methods of voting which start in Chapter 14 and they talk about a rising vote in section 231 and there is nothing in there that says that every member must vote on a rising vote, and there is nothing in Reed's about a Call of the House or the Senate, so I submit that in the absence of a specific rule, that the rule cited by Senator Clarke, 235, which leaves it to the discretion of the presiding officer controls, and you have already made a decision that we did it properly, and, finally, I submit that there has been laches, the gavel did fall and you had announced you had taken another motion. We had gone on to another motion."

REPLY BY THE PRESIDENT

The President: "Senator Marsh's remarks are synonymous with what the research staff here has also developed. Article 2, Section 21 of the Constitution are the only two provisions that the group can find that require a roll call vote. The President believes that the purpose of the Call of the Senate is to make all Senators available and not necessarily present on the floor when a division is being made."

REMARKS BY SENATOR WASHINGTON

Senator Washington: "Mr. President, I think very possibly we are maybe in the process of making a very important precedent and I am reluctant to step in but it seems to me that we should not be able to prevent the yeas and nays from being called by the rising of six of the members by the fortuity of the striking of the gavel. I think that under any event the striking of the gavel announces what the rising vote was, but you could in that way very quickly prevent the yeas and nays. Now you did not do that. You gave plenty of time this time. There was no question about that, but I am just questioning what effect the striking of the gavel has. I have searched the rules and I can find that there is nothing magic or nothing in the rules that give any power to the striking of the gavel and I do not believe that that can stand in front of the constitutional provision that says the yeas and nays shall be allowed upon six members so demanding. I think if we arrive at that decision now that you can cut off the yeas and nays that we have perhaps gone further in a precedent than we should. I want at least for you to consider that."

REMARKS BY SENATOR WALGREN

Senator Walgren: "It seems to me that the obvious and easy answer to Senator Washington's remarks, if somebody wants to have a recorded vote, to stand up and demand the recorded vote. That is all that has to be done."

REMARKS BY SENATOR DAY

Senator Day: "Sometimes the reason for the initiation of a rule will tell you many things, and the reason for the 'all present must vote' can be found in a little article here by a gentleman on Thomas Brackett Reed's life, and when he invoked the 'all present must vote' rule he did it because people were silent and by being silent they would cry 'no quorum' and by being silent they in effect defeated the purpose of the vote. In other words, if being silent is like a no vote and does not affect the quorum, that is one thing, but if being silent affects the quorum in the Congress of the United States, well that was another. Now when you call a roll, and 'all those present must vote' I believe is mandatory under a Call, but when you are taking any other type of vote silence in itself does not determine the majority because the twenty-five votes necessary to constitutionally pass a bill is absent in that vote because it only requires a majority of those voting, so I think there are two different circumstances there relative to the mandatory casting of a yeas and nays."

REMARKS BY SENATOR PULLEN

Senator Pullen: "I do have a little bit of concern with some of the comments that have been made because when the vote was just about to be announced there were two Senators back here near me who were trying to achieve recognition. I think part of the

reason they were not recognized was that so many people were standing, partly because of the standing vote, that they did not distinguish themselves in that way and I did hear them call out 'Mr. President' but again it was not very loud, so this does raise the question with regard to Senator Walgren's remarks. It really is not all that easy and so I do feel we have not really quite resolved the problem in accordance with Senator Walgren's suggestion."

REMARKS BY THE PRESIDENT

The President: "Senator Pullen, the President is glad you mentioned that some Senators may have been trying to attract the President's attention and you did mention that you did not hear anyone call out 'Mr. President'—or did someone—but not loudly enough for the President to hear, who may be even a little deaf, you know, so I would suggest if any Senator wants to attract the President's attention to shout vigorously. A wave of the gavel or of the microphone does not oftentimes attract attention."

PARLIAMENTARY INQUIRY

Senator Clarke: "Mr. President, I think we have clarified a few things, and with the consent of the body in parliamentary inquiry, I would like to address this to the President. I think it is the right of the members when a question is put up, first to have a simple response by yeas and nays of the body. Then if there is a thought that the ruling on that is not correct, as the President says 'the ayes appear to have it' or 'the nays appear to have it', the next step in the proceeding is to ask for a division. Then however, when a division has been requested and a count announced, I would submit, Mr. President, that it is still the right of any member of the body to demand a roll call and to insist, particularly under a Call of the Senate, thinking that the matter is that important, to require all members to vote. Now the box that we are in here, and I would have to support the President in this situation, is that he had made a ruling and he had tapped the gavel and there has to be an ending to everything at some time. Now Senator Washington has raised the question as to whether that finality is the tapping of the gavel. As long as there is a reasonable interval between the announcement and the ascertainment of the fact that prior to the tapping of the gavel any member had a right to seek recognition and in substance, in this instance, to demand a roll call, I think that is the procedure which should be followed and I would ask, Mr. President, if that is your understanding? I think that the gavel had rapped in this instance but just so that we are not making an incorrect precedent I would appreciate your comments on my summation."

REPLY BY THE PRESIDENT

The President: "The President will give you his comments in just a moment, Senator Clarke."

POINT OF ORDER

Senator Mardesich: "Has not the President ruled?"

REPLY BY THE PRESIDENT

The President: "The President has ruled that the vote was twenty to nineteen."

Senator Mardesich: "And has not the President ruled upon the question raised by Senator Lewis?"

The President: "Yes."

Senator Mardesich: "Then, Mr. President, I submit there is nothing before us except an appeal from the ruling of the President's ruling."

The President: "The question is the motion by Senator Grant to hold the matter over until tomorrow."

REMARKS BY THE PRESIDENT

The President: "The President would like to refer the Senators to Rule 3 whereas this pertains to an election by roll call, the President should like to read this sentence: 'No senator shall be allowed to vote except when within the bar of the senate, or upon any question upon which he is in any way personally or directly interested, nor be al-

lowed to explain his vote or discuss the question while the yeas and nays are being called, nor change his vote after the result has been announced.' Now the President announced the vote and struck the gavel. I think there was sufficient time for someone to request a roll call, not that I think you should have to engage in a race, but as Senator Clarke expressed himself, there has to be an ending to every particular question or issue."

REMARKS BY SENATOR WALGREN

Senator Walgren: "I was just going to say, Mr. President, this comes within the old legal doctrine of 'He who hesitates is lost.'"

REMARKS BY SENATOR GOLTZ

Senator Goltz: "I wonder, Mr. President, since the issue of time and the striking of the gavel has come up, whether we could have an instant replay."

PARLIAMENTARY INQUIRY

Senator Lewis (R. H. "Bob"): "A parliamentary inquiry, Mr. President, for future reference. I believe I understood in Senator Marsh's references to the Constitution that it had to be by yeas and nays and I ask simply if, when the President asks the nays to stand and the yeas to stand, if that does not constitute voting by yea and nay?"

REPLY BY THE PRESIDENT

The President: "The President believes not, Senator Lewis."

Further debate ensued.

The motion by Senator Grant carried on a rising vote. Reengrossed House Bill No. 285 on second reading will be considered on Wednesday, June 4, 1975.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Engrossed House Bill No. 707.

SECOND READING

ENGROSSED HOUSE BILL NO. 707, by Representatives Chatalas and Pardini: Raising license fees and raising maximum amount small loan companies can loan.

The bill was read the second time by sections.

Senator Woody moved adoption of the following amendment:

On page 1, line 27, after "[one]" and before "hundred" strike "*three thousand five*" and insert "*two thousand two*".

Debate ensued.

Senator Woody demanded a roll call and the demand was sustained by Senators Ridder, Washington, Grant, Bailey, Donohue, Jolly, Fleming, Stortini and Van Hollebeke.

The President declared the question before the Senate to be the roll call on the amendment by Senator Woody.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 22; nays, 26; excused, 1.

Voting yea: Senators Bailey, Beck, Bottiger, Francis, Goltz, Grant, Jolly, Keefe, Knoblauch, Marsh, McDermott, Odegard, Ridder, Sandison, Scott, Stortini, Talley, Van Hollebeke, Walgren, Washington, Wilson, Woody—22.

Voting nay: Senators Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Gould, Guess, Henry, Herr, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Matson, Morrison, Newschwander, North, Peterson, Pullen, Rasmussen, Sellar, von Reichbauer, Wanamaker—26.

Excused: Senator Murray—1.

There being no objection, the amendments to pages 5, 6, 10 and 11 on the Secretary's desk, were withdrawn.

Senator Woody moved adoption of the following amendment:

On page 10, line 13 of the engrossed bill, being line 4 of subsection (7) of the House Committee amendment to page 10, line 7, after "*agreements*" strike "*covering property owned by the borrower*" and insert "*securing such loan or loans*".

Debate ensued.

POINT OF INQUIRY

Senator Bottiger: "Mr. President, would Senator Clarke yield to a question? Senator Clarke, have you ever heard of co-signing?"

Senator Clarke: "Yes, I know about that."

Senator Bottiger: "So then when you do that the obligation and the security for this loan is not property owned by the borrower. It is property owned by the co-signer."

Senator Clarke: "I understand that but you do not have to mandate a termination by statute. The termination normally takes effect as part of your regular transaction. You have many other loans that do not come within this kind of a statutory requirement, and those are handled under a question of contract."

Debate ensued.

POINT OF INQUIRY

Senator Van Hollebeke: "Would Senator Woody yield to a question please? Senator Woody, if I were to borrow money under this act, and in my original loan I was wily enough to induce you into co-signing and to put up security and let us say it was for a five hundred dollar loan and then I reached an agreement with the company to raise that loan amount, or rather to lend me thirty-five hundred dollars, by which I would terminate my obligation under the first loan and would then owe them thirty-five hundred dollars. If this amendment is not passed, would you not then be a security on the larger amount, at least to the extent of the property which you have put forward as security?"

Senator Woody: "No, you would not, because the security agreement of course only secures the underlying obligation, the original underlying obligation, under your set of facts was three hundred dollars, and I cannot be obligated unless I sign an obligation for an open end type mortgage. I cannot be obligated for anything more than I originally signed up for, but if there is a different situation such as where a husband and wife take out the small loan, subsequently become divorced, one of them as is usual in divorce cases decides that they are going to give the other a real hard time and does not pay, maybe the husband takes off, goes to a different state, and then the wife makes some sort of an arrangement where she will pay only a part of it and at that point there is a question as to whether there is a discharge. She goes in and makes a new arrangement; whether you call that a loan or a new arrangement or a composition is the question of fact. However, when the fellow comes back in the state he can be stuck for the entire thing since his security agreement has never been discharged."

Further debate ensued.

Senator Herr demanded a roll call. The demand was not sustained.

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

Senator Bottiger moved adoption of the following amendment by Senators Bottiger and Grant:

On page 10, immediately following subsection (7), insert a new subsection as follows:

(8) No licensee shall execute any loan with knowledge that the borrower has an outstanding loan with any licensee operating pursuant to RCW 31.04 or RCW 31.08, unless such loan operates to discharge all such previous loans.

Debate ensued.

Senator Talley demanded a roll call and the demand was sustained by Senators Washington, Bottiger, Woody, Scott, von Reichbauer, McDermott, Fleming, Ridder and Grant.

The President declared the question before the Senate to be the roll call on the amendment by Senators Bottiger and Grant.

ROLL CALL

The Secretary called the roll on the amendment was not adopted by the following vote: Yeas, 19; nays, 29; excused, 1.

Voting yea: Senators Bailey, Beck, Bottiger, Francis, Grant, Jolly, Knoblauch, Marsh, McDermott, Odegaard, Rasmussen, Ridder, Sandison, Scott, Stortini, Talley, Van Hollebeke, Washington, Woody—19.

Voting nay: Senators Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Goltz, Gould, Guess, Henry, Herr, Jones, Keefe, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Matson, Morrison, Newschwander, North, Peterson, Pullen, Sellar, von Reichbauer, Walgren, Wanamaker, Wilson—29.

Excused: Senator Murray—1.

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

There being no objection, the amendment by Senators Bottiger and Grant to page 11, line 31 on the Secretary's desk, was withdrawn.

On motion of Senator Woody, the rules were suspended, Engrossed House Bill No. 707 was advanced to third reading, second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Will Senator Woody yield to a question? Senator Woody, in the testimony before your committee was there any indications that the small loan companies were going bankrupt, any large number of them?"

Senator Woody: "No, there was no indication that they were going bankrupt, although that is rather a severe question, because most of them are branches where they have outside state branches as well. They did testify, and I do not think there is much question about it, and Mr. Hart testified as well, that they are losing money in this state at the one thousand dollar limit."

Senator Rasmussen: "That is, they are losing money based on that they could make more with higher rates but they were not in danger of going out of business."

Senator Woody: "I would not say going out of business. That is different from bankruptcy. I would say that at the thousand dollar limit, in all probability the bigger ones, and we all know which ones are the bigger rather than the small independents, would probably say 'Washington is not the state for us.' They would probably keep a few here just to keep some licenses open in the event the limit were raised from a thousand dollars, but to be very candid I think that the small loan companies at a thousand dollars just cannot continue to survive in this state. I think the thousand dollars—as I say, with the inflation factor, it equates to seventeen hundred and fifty in today's dollars, and I would say some of the small ones, not the large ones, would probably have to go out of business."

Senator Rasmussen: "Thank you, Senator Woody."

Further debate ensued.

Senators Matson, Pullen and Benitz demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 707.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 707 and the bill passed the Senate by the following vote: Yeas, 27; nays, 21; excused, 1.

Voting yea: Senators Benitz, Bluechel, Clarke, Cunningham, Day, Donohue, Fleming, Gould, Guess, Henry, Herr, Jones, Keefe, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, Newschwander, North, Peterson, Pullen, Sellar, Talley, Walgren, Wanamaker—27.

Voting nay: Senators Bailey, Beck, Bottiger, Buffington, Francis, Goltz, Grant, Jolly, Knoblauch, McDermott, Odegard, Rasmussen, Ridder, Sandison, Scott, Stortini, Van Hollebeke, von Reichbauer, Washington, Wilson, Woody—21.

Excused: Senator Murray—1.

ENGROSSED HOUSE BILL NO. 707, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Lewis (Harry), Engrossed House Bill No. 707 was ordered immediately transmitted to the House.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Substitute House Bill No. 211.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 211, by Committee on Commerce (originally sponsored by Representatives Amen, Conner, Curtis, Knowles, Zimmerman, May, Becker, Boldt, Kilbury, Laughlin and Whiteside):

Entitling retail implement or car dealer to recover price of articles upon discontinuance of contract by wholesaler or retail dealer.

REPORT OF STANDING COMMITTEE

May 8, 1975.

SUBSTITUTE HOUSE BILL NO. 211, entitling retail implement or car dealer to recover price of articles upon discontinuance of contract by wholesaler or retail dealer (reported by Committee on Commerce):

Recommendation: Do pass with the following amendments:

Strike all material after the enacting clause and insert the following:

"*NEW SECTION.* Section 1. Whenever any person, firm, or corporation engaged in the retail sale of farm implements and repair parts therefor enters into a written contract with any wholesaler, manufacturer, or distributor of farm implements, machinery, attachments, accessories, or repair parts whereby such retailer agrees to maintain a stock of parts or complete or whole machines, attachments, or accessories, and either party to such contract desires to cancel or discontinue the contract, unless the retailer should desire to keep such merchandise the manufacturer, wholesaler, or distributor shall pay the retailer for the merchandise. Such payment shall be in the amount of one hundred percent of the net cost of all current unused complete farm implements, machinery, attachments, and accessories, including transportation charges paid by the retailer, and eighty-five percent of the current net prices on repair parts, including superseded parts listed in current price lists or catalogs which parts had previously been purchased from such wholesaler, manufacturer, or distributor and held by such retailer on the date of the cancellation or discontinuance of such contract or thereafter received by such retailer from the wholesaler, manufacturer, or distributor. The wholesaler, manufacturer, or distributor shall also pay such retailer a sum equal to five percent of the current net price of all parts returned for the handling, packing, and loading of such parts for return. Upon the payment of such amounts, the title to such farm implements, farm machinery, attachments, accessories, or repair parts, shall pass to the manufacturer, wholesaler, or distributor making such payment, and such manufacturer, wholesaler, or distributor shall be entitled to the possession of such merchandise.

The provisions of this section shall apply to any annual part return adjustment agreement made between a seller or retailer and a manufacturer, wholesaler, or distributor.

The provisions of this section shall be supplemental to any agreement between the retailer and the manufacturer, wholesaler, or distributor covering the return of farm

implements, machinery, attachments, accessories, and repair parts so that the retailer can elect to pursue either his contract remedy or the remedy provided herein, and an election by the retailer to pursue his contract remedy shall not bar his right to the remedy provided herein as to those farm implements, machinery, attachments, accessories, and repair parts not affected by the contract remedy.

The provisions of this section shall apply to all contracts now in effect which have no expiration date and are a continuing contract, and all other contracts entered into or renewed after July 1, 1975. Any contract in force and effect on July 1, 1975, which by its own terms will terminate on a date subsequent thereto shall be governed by the law as it existed prior to this chapter: PROVIDED, That no contract covered by this chapter may be cancelled by any party without good cause. Good cause shall include, but shall not be restricted to, the failure of any party to comply with the lawful provisions of the contract, the adjudication of any party to a contract as a bankrupt, and the conviction of any party to a contract on a charge relating to his business.

NEW SECTION. Sec. 2. All repurchase payments to retailers and sellers made pursuant to section 1 of this 1975 act shall be less amounts owed on any lien or claim then outstanding upon such items covered by this section. Any wholesaler, manufacturer, or distributor making repurchase payments covered by this chapter to any retailer or seller shall satisfy such secured liens or claims pursuant to chapter 62A.9 RCW less any interest owed to the lienholder arising from the financing of such items which shall be paid to any such secured lienholder by the retailer or seller. In no case shall the wholesaler, manufacturer, or distributor, in making payments covered by section 1 of this 1975 act, pay in excess of those amounts prescribed therein.

NEW SECTION. Sec. 3. The prices of farm implements, machinery and repair parts therefor, required to be paid to any retail dealer as provided in section 1 of this 1975 act shall be determined by taking one hundred percent of the net cost on farm implements, machinery, and attachments, and eighty-five percent of the current net price of repair parts therefor as shown upon the manufacturer's, wholesaler's, or distributor's price lists or catalogues in effect at the time such contract is canceled or discontinued.

NEW SECTION. Sec. 4. In the event that any manufacturer, wholesaler, or distributor of farm machinery, farm implements, and repair parts therefor, upon cancellation or discontinuation of a contract by either a retailer or a manufacturer, wholesaler, or distributor, fails or refuses to make payment to such dealer as is required by section 1 of this 1975 act, or refuses to supply farm machinery, farm implements, and repair parts therefor to any retailer of such products who may have a retail sales contract dated after July 1, 1975, or a contract with no expiration date or a continuing contract in force or effect on the effective date of this 1975 act, with such manufacturer, wholesaler, or distributor, such manufacturer, wholesaler, or distributor shall be liable in a civil action to be brought by such retailer for such payments as are required by section 1 of this 1975 act.

NEW SECTION. Sec. 5. Sections 1 through 4 of this 1975 act shall constitute a new chapter in Title 19 RCW.

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1975.

NEW SECTION. Sec. 7. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected."

In line 1 of the title, after "regulations;" strike "and".

In line 2 of the title, after "RCW" and before the period, insert "declaring an emergency; and providing an effective date".

Signed by: Senators Van Hollebeke, Chairman; Cunningham, Morrison, Peterson, Ridder.

The bill was read the second time by sections.

MOTIONS

On motion of Senator Mardesich, the rules were suspended and Senator Pullen was excused.

Senator Van Hollebeke moved adoption of the committee amendment.

There being no objection, the amendment by Senator Peterson to page 1, line 7 on the Secretary's desk, was withdrawn.

Senator Guess moved that the following amendments to the committee amendment be considered and adopted simultaneously:

On page 1, line 24, strike "eighty-five percent of the current net prices" and insert "net price".

On page 2, after line 30 insert a new section to read as follows:

"*NEW SECTION.* Sec. 2. Net price or net cost as used in this 1975 act means the price applicable on the date of purchase by the retailer less discounts actually received for quantity purchase or cash payment."

Renumber remaining sections consecutively.

On page 3, new section 3, line 8, strike "eighty-five percent of the current" and insert "the".

On page 3, new section 3, line 9 after "parts" insert a period and strike remainder of the section.

Debate ensued.

POINT OF INQUIRY

Senator Cunningham: "Would Senator Van Hollebeke yield to a question? Senator Van Hollebeke, if you do not adopt this amendment, how are you going to establish the value, specifically, of the merchandise?"

Senator Van Hollebeke: "I believe that is all in the present accounting systems but I think that the Senate committee amendment as offered, the one I believe you voted for, does establish as close as can be established. That is pretty well accepted practice in business. I would think that, from my experience, I used to work for Kenworth Motor Truck in Seattle in cost accounting and perpetual inventory when I was working my way through college, and the standard practice was to accept net price, net cost, as being list, minus discounts to that customer, plus freight. And that is a very generally accepted . . ."

Senator Cunningham: "Are you saying then that it would be your intention that that is what the current price would be as far as in defining that price, it would be virtually the book value?"

Senator Van Hollebeke: "Less the discount to that . . ."

Senator Cunningham: "So that we would not stand a chance of going, say, from fifo to lifo on evaluation?"

Senator Van Hollebeke: "No, you would not have a lifo-fifo, either one."

POINT OF INQUIRY

Senator Guess: "Senator Cunningham, I did not get the last question and I do not quite understand."

Senator Cunningham: "Senator Guess, what my concern is, and I support your amendment because this lifo-fifo situation today—you can put on your books on the basis of your value, on the basis of last in first out or first in first out, and this has a big impact on what you show as your book value, and for instance, this is where Suncrest Sugar in New York, they went from first in first out to last in first out on their raw sugar inventories and showed a fifteen million dollar loss and all they have done is give themselves about a six year tax loss carry forward at the expense of the consumer. That same expense to the consumer could be applied here to the cost to whoever has to buy this merchandise if the value is not identified now. Does that answer your question, Senator Guess?"

Senator Guess: "Thank you."

Further debate ensued.

Senator Van Hollebeke demanded a roll call and the demand was sustained by

Senators Jolly, Talley, Knoblauch, Rasmussen, Ridder, von Reichbauer, Guess, Wilson and Goltz.

The President declared the question before the Senate to be the roll call on the amendments by Senator Guess to the committee amendment.

ROLL CALL

The Secretary called the roll and the amendments to the committee amendment were not adopted by the following vote: Yeas, 8; nays, 39; excused, 2.

Voting yea: Senators Bailey, Benitz, Bluechel, Clarke, Guess, Jones, Lewis (Harry), Newschwander—8.

Voting nay: Senators Beck, Bottiger, Buffington, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, North, Odegard, Peterson, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—39.

Excused: Senators Murray, Pullen—2.

Senator Morrison moved adoption of the following amendment to the committee amendment:

On page 1, line 37, after "return" insert ": PROVIDED, That the provisions of this section shall apply only to repair parts which are new, unused, in good condition and fit for resale as new parts".

On motion of Senator Francis, the following amendment to the amendment by Senator Morrison was adopted:

After "unused," insert "and" and after "condition" strike "fit for resale as new parts".

The motion by Senator Morrison carried and the amendment as amended to the committee amendment, was adopted.

The motion of Senator Guess, the following amendments to the committee amendments were adopted:

On page 2, line 22, strike "July 1, 1975" and insert "January 1, 1976".

On page 2, line 23, strike "July 1, 1975" and insert "January 1, 1976".

On page 3, beginning on line 27, strike "July 1, 1975" and insert "January 1, 1976".

On page 3, beginning on line 39, strike all of section 6 and insert: "This act shall take effect on January 1, 1976."

Senator Guess moved adoption of the following amendment to the committee amendment:

On page 2, line 23 after "that" strike remaining material in section and insert:

"a contract covered by this chapter may be cancelled (1) for the failure of either party to comply with the lawful provisions of the contract, (2) the adjudication of either party as a bankrupt, (3) the conviction of either party of a criminal charge relating to the conduct of his business, or (4) a violation of the provisions of chapter 19.86 RCW relating to unfair competition, monopolistic practices or practices in restraint of trade or other unfair practice which substantially impairs the rights of the other party under the contract."

Debate ensued.

The motion by Senator Guess failed and the amendment to the committee amendment was not adopted.

On motion of Senator Morrison, the following amendments to the committee amendment were considered and adopted simultaneously:

On page 2, line 32, after "bankrupt" insert "wrongful refusal of manufacturer, wholesaler, or distributor to supply farm machinery, farm implements and repair parts therefor".

On page 3, line 24, after "act," strike all material down through "distributor," on line 31.

On motion of Senator Van Hollebeke, the following amendment to the committee amendment was adopted:

On page 2, line 29, after "bankrupt" insert a period and strike the remainder of the sentence.

The motion by Senator Van Hollebeke carried and the committee amendment, as amended, was adopted.

On motion of Senator Van Hollebeke, the committee amendments to the title were adopted.

On motion of Senator Van Hollebeke, the rules were suspended, Substitute House Bill No. 211, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 211, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 36; nays, 11; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Day, Donohue, Fleming, Francis, Goltz, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis (R. H. "Bob"), Marsh, McDermott, Morrison, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wana-maker, Washington, Wilson, Woody—36.

Voting nay: Senators Clarke, Cunningham, Gould, Grant, Guess, Jones, Lewis (Harry), Mardesich, Matson, Newschwander, North—11.

Excused: Senators Murray, Pullen—2.

SUBSTITUTE HOUSE BILL NO. 211, 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 Van Hollebeke, Substitute House Bill No. 211, as amended by the Senate, was ordered immediately transmitted to the House.

MOTIONS

On motion of Senator Woody, Engrossed House Bill No. 176 was ordered immediately transmitted to the House.

On motion of Senator Mardesich, the Senate returned to the second order of business.

REPORT OF CONFERENCE COMMITTEE

May 30, 1975.

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 1078, revising the Forest Practices Act, have had the same under consideration, and we report that we are unable to agree on the Senate amendments and, therefore, respectfully request powers of Free Conference for the purpose of recommending that the Senate amendments not be adopted and the following amendments be adopted:

Strike all material after the enacting clause and insert the following:

"Section 1. Section 3, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.030 are each amended to read as follows:

(1) There is hereby created the forest practices board of the state of Washington as an agency of state government consisting of members as follows:

(a) The commissioner of public lands or his designee;

(b) The director of the department of commerce and economic development or his designee;

(c) The director of the department of agriculture or his designee;

(d) The director of the department of ecology or his designee;

(e) An elected member of a county legislative authority appointed by the governor: PROVIDED, That such member's service on the board shall be conditioned on his continued service as an elected county official; and

(f) [Four] Six members of the general public appointed by the governor, *one of whom shall be an owner of not more than five hundred acres of forest land, and one of whom shall be an independent logging contractor.*

(2) The members of the initial board appointed by the governor shall be appointed so that the term of one member shall expire December 31, 1975, the term of one member shall expire December 31, 1976, the term of one member shall expire December 31, 1977, [and] the terms of two members shall expire December 31, 1978, *and the terms of two members shall expire December 31, 1979.* Thereafter, each member shall be appointed for a term of four years. Vacancies on the board shall be filled in the same manner as the original appointments. Each member of the board shall continue in office until his successor is appointed and qualified. The commissioner of public lands or his designee shall be the chairman of the board.

(3) The board shall meet at such times and places as shall be designated by the chairman or upon the written request of the majority of the board. The principal office of the board shall be at the state capital.

(4) Members of the board, except public employees and elected officials, shall receive forty dollars per diem for each day or major portion thereof actually spent in attending to their duties as board members and in addition they shall be entitled to reimbursement for subsistence and actual travel expenses incurred in the performance of their duties in the same manner as provided for state officials generally in chapter 43.03 RCW as now or hereafter amended.

(5) The board may employ such clerical help and staff pursuant to chapter 41.06 RCW as is necessary to carry out its duties.

Sec. 2. Section 5, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.050 are each amended to read as follows:

(1) The board shall establish by rule which forest practices shall be included within each of the following classes:

Class I: Minimal or specific forest practices *that have no direct potential for damaging a public resource that may be conducted without submitting an application* [: PROVIDED, That no forest practice shall be within Class I if it has a direct potential for damaging a public resource.] *or a notification:*

Class II: Forest practices [for] which [the application must be approved or disapproved by the department within fourteen calendar days from the date the department receives the application.] *have a less than ordinary potential for damaging a public resource that may be conducted without submitting an application and may begin five calendar days, or such lesser time as the department may determine, after written notification by the operator, in the manner, content, and form as prescribed by the department, is received by the department. Class II shall not include forest practices:*

(a) *On lands platted after January 1, 1960, or being converted to another use:*

(b) *Which require approvals under the provisions of the Hydraulics Act, RCW 75.20.100;*

(c) *Within "shorelines of the state" as defined in RCW 90.58.030; or*

(d) *Excluded from Class II by the board;*

Class III: Forest practices [for which the] *other than those contained in Class I, II, or IV. A Class III application must be approved or disapproved by the department within [thirty] fourteen calendar days from the date the department receives the application;*

Class IV: *Forest practices other than those contained in Class I or II; (a) On lands platted after January 1, 1960, (b) on lands being converted to another use, (c) on lands which, pursuant to RCW 76.09.070 as now or hereafter amended, are not to be reforested because of the likelihood of future conversion to urban development, and/or (d) which have a potential for a substantial impact on the environment and therefore require an evaluation by the department as to whether or not a detailed statement must be*

prepared pursuant to the State Environmental Policy Act, chapter 43.21C RCW. Such evaluation shall be made within ten days from the date the department receives the application: PROVIDED, That nothing herein shall be construed to prevent any local or regional governmental entity from determining that a detailed statement must be prepared for an action pursuant to a Class IV forest practice taken by that governmental entity concerning the land on which forest practices will be conducted. A Class IV application must be approved or disapproved by the department within thirty calendar days from the date the department receives the application, unless the department determines that a detailed statement must be made, in which case the application must be approved or disapproved by the department within sixty calendar days from the date the department receives the application, unless the commissioner of public lands, through the promulgation of a formal order, determines that the process cannot be completed within such period.

Forest practices under Classes I, II, and III are exempt from the requirements for preparation of a detailed statement under the State Environmental Policy Act.

(2) No Class II [or], Class III, or Class IV forest practice shall be commenced or continued after January 1, 1975, unless the department has received a notification with regard to a Class II forest practice or approved an application with regard to a Class III or Class IV forest practice containing all information required by RCW 76.09.060 as now or hereafter amended: PROVIDED, That any person commencing a forest practice during 1974 may continue such forest practice until April 1, 1975, if such person has submitted an application to the department prior to January 1, 1975: PROVIDED, FURTHER, That in the event forest practices regulations necessary for the scheduled implementation of this chapter and RCW 90.48.420 have not been adopted in time to meet such schedules, the department shall have the authority to regulate forest practices and approve applications on such terms and conditions consistent with this chapter and RCW 90.48.420 and the purposes and policies of RCW 76.09.010 until applicable forest practices regulations are in effect.

(3) *If a notification or application is delivered in person to the department by the operator or his agent, the department shall immediately provide a dated receipt thereof. In all other cases, the department shall immediately mail a dated receipt to the operator.*

(4) *Forest practices shall be conducted in accordance with the forest practices regulations, orders and directives as authorized by this chapter or the forest practices regulations, and the terms and conditions of any approved applications.*

(5) The department of natural resources shall notify the applicant in writing of either its approval of the application or its disapproval of the application and the specific manner in which the application fails to comply with the provisions of this section or with the forest practices regulations. *Except as provided otherwise in this section, if the department fails to either approve or disapprove an application or any portion thereof within the applicable time limit, [then, on petition of the applicant the chairman of the appeals board shall issue an order directing the department to approve or disapprove the application within five days or issue a temporary approval until the application is either finally approved or disapproved: PROVIDED, That the temporary approval shall be issued only if it meets the conditions set by the board for such temporary approvals] the application shall be deemed approved and the operation may be commenced; PROVIDED, That this provision shall not apply to applications which are neither approved nor disapproved pursuant to the provisions of subsection (7) of this section; PROVIDED, FURTHER, That if seasonal field conditions prevent the department from being able to properly evaluate the application, the department may issue an approval conditional upon further review within sixty days: PROVIDED, FURTHER, That the department shall have until April 1, 1975, to approve or disapprove an application involving forest practices allowed to continue to April 1, 1975, under the provisions of subsection (2) of this section. Upon receipt of any notification or any satisfactorily completed application the department shall in any event no later than two business days after such receipt transmit a copy to the departments of ecology, game, and fisheries, and to the county in which the forest practice is to be commenced. Any comments by such agencies shall be directed to the department of natural resources.*

[4] (6) If the county believes that an application is inconsistent with this chapter, the forest practices regulations, or any local authority consistent with RCW 76.09.240 *as now or hereafter amended*, it may so notify the department and the applicant, specifying its objections.

[(5)] (7) The department shall not approve portions of applications to which a county objects if:

(a) The department receives written notice from the county of such objections within [seven business days for a Class II or] fourteen business days [for a Class III application] from the time of [its] transmittal *of the application* to the county, or one day before the department acts on the application, whichever is later; and

(b) The objections relate to lands either:

(i) Platted after January 1, 1960; or

(ii) Being converted to another use.

The department shall either disapprove those portions of such application or appeal the county objections to the appeals board. If the objections *related to subparagraphs (b) (i) and (ii) of this subsection* are based on local authority consistent with RCW 76.09.240 *as now or hereafter amended*, the department shall disapprove the application until such time as the county consents to its approval or such disapproval is reversed on appeal. The applicant shall be a party to all department appeals of county objections. Unless the county either consents or has waived its rights under this subsection, the department shall not approve portions of an application affecting such lands until the minimum time for county objections has expired.

[(6)] (8) In addition to any rights under the above paragraph, the county may appeal any department approval of an application with respect to any lands within its jurisdiction. The appeals board may suspend the department's approval in whole or in part pending such appeal where there exists potential for immediate and material damage to a public resource.

[(7)] (9) Appeals under this section shall be made to the appeals board in the manner and time provided in RCW 76.09.220(9). In such appeals there shall be no presumption of correctness of either the county or the department position.

[(8)] (10) The department shall, within four business days notify the county of all *notifications*, approvals, and disapprovals of an application affecting lands within the county, except to the extent the county has waived its right to such notice.

[(9)] (11) A county may waive in whole or in part its rights under this section, and may withdraw or modify any such waiver, at any time by written notice to the department.

Sec. 3. Section 6, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.060 are each amended to read as follows:

(1) The department shall prescribe the form and contents of the *notification and application*. The forest practices regulations shall specify by whom and under what conditions the *notification and application* shall be signed. The application *or notification* shall be delivered in person or sent by certified mail to the department. The information required may include, but shall not be limited to:

(a) Name and address of the forest land owner, timber owner, and operator;

(b) Description of the proposed forest practice or practices to be conducted;

(c) Legal description of the land on which the forest practices are to be conducted;

(d) Planimetric and topographic maps showing location and size of all lakes and streams and other public waters in and immediately adjacent to the operating area and showing all existing and proposed roads and *major* tractor roads;

(e) Description of the silvicultural, harvesting, or other forest practice methods to be used, including the type of equipment to be used and materials to be applied;

(f) Proposed plan for reforestation and for any revegetation necessary to reduce erosion potential from roadsides and yarding roads, as required by the forest practices regulations;

(g) Soil, geological, and hydrological data with respect to forest practices;

(h) The expected dates of commencement and completion of all forest practices specified in the application;

(i) Provisions for continuing maintenance of roads and other construction or other measures necessary to afford protection to public resources; and

(j) An affirmation that the statements contained in the *notification or application* are true.

(2) At the option of the applicant, the application or *notification* may be submitted to cover a single forest practice or any number of forest practices within reasonable geographic or political boundaries as specified by the department. Long range plans may be submitted to the department for review and consultation.

(3) The application shall indicate whether any land covered by the application will be converted or is intended to be converted to a use other than commercial timber production within three years after completion of the forest practices described in it. (a) If the application states that any such land will be or is intended to be so converted:

(i) The reforestation requirements of this chapter and of the forest practices regulations shall not apply if the land is in fact so converted unless applicable alternatives or limitations are provided in forest practices regulations issued under RCW 76.09.070 as now or hereafter amended;

(ii) Completion of such forest practice operations shall be deemed conversion of the lands to another use for purposes of chapters 84.28, 84.33, and 84.34 RCW unless the conversion is to a use permitted under a current use tax agreement permitted under chapter 84.34 RCW;

(iii) The forest practices described in the application are subject to applicable county, city and regional governmental authority permitted under RCW 76.09.240 as now or hereafter amended as well as the forest practices regulations.

(b) If the application does not state that any land covered by the application will be or is intended to be so converted:

(i) For six years after the date of the application the county or city and regional governmental entities may deny any or all applications for permits or approvals, including building permits and subdivision approvals, relating to nonforestry uses of land subject to the application;

(ii) Failure to comply with the reforestation requirements contained in any final order or decision shall constitute a removal from classification under the provisions of RCW 84.28.065, a removal of designation under the provisions of RCW 84.33.140, and a change of use under the provisions of RCW 84.34.080, and, if applicable, shall subject such lands to the payments and/or penalties resulting from such removals or changes; and

(iii) Conversion to a use other than commercial timber operations within three years after completion of the forest practices without the consent of the county or municipality shall constitute a violation of each of the county, municipal and regional authorities to which the forest practice operations would have been subject if the application had so stated.

[(4)] (c) The application shall be either signed by the [forest] land owner or accompanied by a statement signed by the [forest] land owner indicating his intent with respect to conversion and acknowledging that he is familiar with the effects of this subsection.

[(5)] (4) Whenever an approved application authorizes a forest practice which, because of soil condition, proximity to a water course or other unusual factor, has a [greater than ordinary] potential for causing material damage to a public resource, as determined by the department, the applicant shall, *when requested on the approved application*, notify the department [five] *two* days before the commencement of actual operations.

[(6)] (5) Before [commencing] *the operator commences* any forest practice in a manner or to an extent significantly different from that described in a previously approved application or *notification*, [the applicant shall submit] *there shall be submitted* to the department a new application or *notification* form in the manner set forth in this section.

[(7)] (6) The *notification to or the approval* given by the department to an application to conduct a forest practice shall be effective for a term of one year from the date of

approval or notification and shall not be renewed unless a new application is filed and approved or a new notification has been filed.

[(8)] (7) Notwithstanding any other provision of this section, no prior application or notification shall be required for any emergency forest practice necessitated by fire, flood, windstorm, earthquake, or other emergency as defined by the board, but the operator shall submit an application or notification, whichever is applicable, to the department within forty-eight hours after commencement of such practice.

Sec. 4. Section 7, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.070 are each amended to read as follows:

After the completion of a logging operation, satisfactory reforestation as defined by the rules and regulations promulgated by the board shall be completed within three years: PROVIDED, That a longer period may be authorized if seed or seedlings are not available: PROVIDED FURTHER, That a period of up to five years may be allowed where a natural regeneration plan is approved by the department. Upon the completion of a reforestation operation a report on such operation shall be filed with the department of natural resources. Within [six] twelve months of receipt of such a report the department shall inspect the reforestation operation, and shall determine either that the reforestation operation has been properly completed or that further reforestation and inspection is necessary.

The forest practices regulations may provide alternatives to or limitations on the applicability of reforestation requirements with respect to forest lands being converted in whole or in part to another use which is compatible with timber growing. *The forest practices regulations may identify classifications and/or areas of forest land that have the likelihood of future conversion to urban development within a ten year period. The reforestation requirements may be modified or eliminated on such lands: PROVIDED, That such identification and/or such conversion to urban development must be consistent with any local or regional land use plans or ordinances.*

Sec. 5. Section 8, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.080 are each amended to read as follows:

(1) The department shall have the authority to serve upon an operator a stop work order which shall be a final order of the department if:

(a) There is any violation of the provisions of this chapter or the forest practices regulations; or

(b) There is a deviation from the approved application; or

(c) Immediate action is necessary to prevent continuation of or to avoid material damage to a public resource.

(2) The stop work order shall set forth:

(a) The specific nature, extent, and time of the violation, deviation, damage, or potential damage;

(b) An order to stop all work connected with the violation, deviation, damage, or potential damage;

(c) The specific course of action needed to correct such violation or deviation or to prevent damage and to correct and/or compensate for damage to public resources which has resulted from any violation, unauthorized deviation, or wilful or negligent disregard for potential damage to a public resource; and/or those courses of action necessary to prevent continuing damage to public resources where the damage is resulting from the forest practice activities but has not resulted from any violation, unauthorized deviation, or negligence; and

(d) The right of the operator to a hearing before the appeals board.

The department shall immediately file a copy of such order with the appeals board and mail a copy thereof to the timber owner and forest land owner at the addresses shown on the application. The operator, timber owner, or forest land owner may commence an appeal to the appeals board within fifteen days after service upon the operator. If such appeal is commenced, a hearing shall be held not more than twenty days after copies of the notice of appeal were filed with the appeals board. Such proceeding shall be a contested case within the meaning of chapter 34.04 RCW. The operator shall comply with the order of the department immediately upon being served, but the appeals board

if requested shall have authority to continue or discontinue in whole or in part the order of the department under such conditions as it may impose pending the outcome of the proceeding.

Sec. 6. Section 9, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.090 are each amended to read as follows:

If a violation, a deviation, material damage or potential for material damage to a public resource has occurred and the department determines that a stop work order is unnecessary, then the department shall issue and serve upon the operator or land owner a notice, which shall clearly set forth:

(1) (a) The specific nature, extent, and time of failure to comply with the approved application; or identifying the damage or potential damage; and/or

(b) The relevant provisions of this chapter or of the forest practice regulations relating thereto;

(2) The right of the operator or landowner to a hearing before the department; and

(3) The specific course of action ordered by the department to be followed by the operator to correct such failure to comply and to prevent, correct and/or compensate for material damage to public resources which resulted from [forest practices] *any violation, unauthorized deviation, or wilful or negligent disregard for potential damage to a public resource; and/or those courses of action necessary to prevent continuing damage to public resources where the damage is resulting from the forest practice activities but has not resulted from any violation, unauthorized deviation, or negligence.*

The department shall mail a copy thereof to the forest land owner and the timber owner at the addresses shown on the application, showing the date of service upon the operator. Such notice to comply shall become a final order of the department [and]; *PROVIDED, That no direct appeal to the appeals board will be allowed from such final order.* Such operator shall undertake the course of action so ordered by the department unless, within fifteen days after the date of service of such notice to comply, the operator, forest land owner, or timber owner, shall request the department in writing to schedule a hearing. If so requested, the department shall schedule a hearing on a date not more than twenty days after receiving such request. Within ten days after such hearing, the department shall issue a final order either withdrawing its notice to comply or clearly setting forth the specific course of action to be followed by such operator. Such operator shall under take the course of action so ordered by the department unless within thirty days after the date of such final order, the operator, forest land owner, or timber owner appeals such final order to the appeals board.

No person shall be under any obligation under this section to prevent, correct, or compensate for any damage to public resources which occurs more than one year after the date of completion of the forest practices operations involved exclusive of reforestation, unless such forest practices were not conducted in accordance with forest practices rules and regulations: PROVIDED, That this provision shall not relieve the forest landowner from any obligation to comply with forest practices rules and regulations pertaining to providing continuing road maintenance. No action to recover damages shall be taken under this section more than two years after the date the damage involved occurs.

Sec. 7. Section 10, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.100 are each amended to read as follows:

If the department of ecology determines that a person has failed to comply with the forest practices regulations relating to water quality protection, and that the department of natural resources has not issued a stop work order or notice to comply, the department of ecology shall inform the department thereof. If the department of natural resources fails to take authorized enforcement action *within twenty-four hours* under RCW 76.09.080, 76.09.090, 76.09.120, or 76.09.130, [and 76.09.170,] the department of ecology may [take such action, except that] *petition to the chairman of the appeals board, who shall, within forty-eight hours, either deny the petition or direct the department of natural resources to immediately issue a stop work order or notice to comply, or to impose a penalty.* No civil or criminal penalties shall be imposed for past actions

or omissions if such actions or omissions were conducted pursuant to an approval or directive of the department of natural resources.

Sec. 8. Section 14, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.140 are each amended to read as follows:

(1) The department of natural resources, through the attorney general, may take any necessary action to enforce any final order or final decision, or to enjoin any forest practices by any person for a one year period after such person has failed to comply with a final order or a final decision.

(2) [The department of ecology, through the attorney general, may take any necessary action to enforce any final order of such department or any final decision of the pollution control hearings board relating to water quality protection, or to enjoin any forest practices relating to water quality protection by any person for a one year period after such person has failed to comply with a final order or final decision.

(3)) A county may bring injunctive, declaratory, or other actions for enforcement for forest practice activities within its jurisdiction in the superior court as provided by law against the department [or the department of ecology], the forest land owner, timber owner or operator to enforce the forest practice regulations or any final order of the department, or [the department of ecology,] the appeals board [or the pollution control hearings board]: PROVIDED, That no civil or criminal penalties shall be imposed for past actions or omissions if such actions or omissions were conducted pursuant to an approval or directive of the department of natural resources [or department of ecology]: AND PROVIDED FURTHER, That such actions shall not be commenced unless the department [or the department of ecology] fails to take appropriate action after ten days written notice to the [respective] department by the county of a violation of the forest practices regulations or final orders of the department [or the department of ecology] or the appeals board [or the pollution control hearings board].

Sec. 9. Section 17, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.170 are each amended to read as follows:

Every person who fails to comply with any provision of RCW 76.09.010 through 76.09.280 *as now or hereafter amended* or of the forest practices regulations shall be subject to a penalty in an amount of not more than [one thousand] *five hundred* dollars [per day] for every such violation. Each and every such violation shall be a separate and distinct offense. In case of a [continuing violation] *failure to comply with a notice pursuant to RCW 76.09.090 as now or hereafter amended or a stop work order*, every day's continuance shall be a separate and distinct violation. Every person who through an act of commission or omission procures, aids or abets in the violation shall be considered to have violated the provisions of this section and shall be subject to the penalty herein provided for: PROVIDED, That no penalty shall be imposed under this section upon any governmental official, an employee of any governmental department, agency, or entity, or a member of any board or advisory committee created by this chapter for any act or omission in his duties in the administration of this chapter or of any regulation promulgated thereunder.

The penalty herein provided for shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the same from the department of natural resources [, or the department of ecology if water quality protection is involved,] describing the violation with reasonable particularity. Within fifteen days after the notice is received, the person incurring the penalty may apply in writing to the department [imposing the penalty] for the remission or mitigation of such penalty. Upon receipt of the application, that department may remit or mitigate the penalty upon whatever terms that department in its discretion deems proper, provided the department [imposing the penalty] deems such remission or mitigation to be in the best interests of carrying out the purposes of this chapter. The department of natural resources [and the department of ecology] shall have authority to ascertain the facts regarding all such applications in such reasonable manner and under such regulations as [they] *it* may deem proper.

Any person incurring any penalty hereunder may appeal the same to the forest practices appeals board[: PROVIDED, That the appeal of any penalty imposed by the

department of ecology relating to water quality protection shall be to the pollution control hearings board].

Such appeals shall be filed within thirty days of receipt of notice imposing any penalty unless an application for remission or mitigation is made to the department [or the department of ecology]. When such an application for remission or mitigation is made, such appeals shall be filed within thirty days of receipt of notice from the department [or the department of ecology] setting forth the disposition of the application.

Any penalty imposed hereunder shall become due and payable thirty days after receipt of a notice imposing the same unless application for remission or mitigation is made or an appeal is filed. When such an application for remission or mitigation is made, any penalty incurred hereunder shall become due and payable thirty days after receipt of notice setting forth the disposition of such application unless an appeal is filed from such disposition. Whenever an appeal of any penalty incurred hereunder is filed, the penalty shall become due and payable only upon completion of all review proceedings and the issuance of a final decision confirming the penalty in whole or in part.

If the amount of any penalty is not paid to the department [or the department of ecology] within thirty days after it becomes due and payable, the attorney general, upon the request of the [respective director] department, shall bring an action in the name of the state of Washington in the superior court of Thurston county or of any county in which such violator may do business, to recover such penalty. In all such actions the procedure and rules of evidence shall be the same as an ordinary civil action except as otherwise in this chapter provided.

Sec. 10. Section 22, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.220 are each amended to read as follows:

(1) The appeals board shall operate on either a part time or a full time basis, as determined by the governor. If it is determined that the appeals board shall operate on a full time basis, each member shall receive an annual salary to be determined by the governor. If it is determined that the appeals board shall operate on a part time basis, each member shall receive compensation on the basis of seventy-five dollars for each day spent in performance of his duties: PROVIDED, That such compensation shall not exceed ten thousand dollars in a fiscal year. Each member shall receive reimbursement for travel and other expenses incurred in the discharge of his duties in accordance with the provisions of chapter 43.03 RCW.

(2) The appeals board may appoint, discharge, and fix the compensation of an executive secretary, a clerk, and such other clerical, professional, and technical assistants as may be necessary. As specified in RCW 41.06.073, such employment shall be in accordance with the rules of the state civil service law, chapter 41.06 RCW.

(3) The appeals board shall as soon as practicable after the initial appointment of the members thereof, meet and elect from among its members a chairman, and shall at least biennially thereafter meet and elect or reelect a chairman.

(4) The principal office of the appeals board shall be at the state capital, but it may sit or hold hearings at any other place in the state. A majority of the appeals board shall constitute a quorum for making orders or decisions, promulgating rules and regulations necessary for the conduct of its powers and duties, or transacting other official business, and may act though one position on the board be vacant. One or more members may hold hearings and take testimony to be reported for action by the board when authorized by rule or order of the board. The appeals board shall perform all the powers and duties granted to it in this chapter or as otherwise provided by law.

(5) The appeals board shall make findings of fact and prepare a written decision in each case decided by it, and such findings and decision shall be effective upon being signed by two or more members and upon being filed at the appeals board's principal office, and shall be open to public inspection at all reasonable times.

(6) The appeals board shall either publish at its expense or make arrangements with a publishing firm for the publication of those of its findings and decisions which are of general public interest, in such form as to assure reasonable distribution thereof.

(7) The appeals board shall maintain at its principal office a journal which shall contain all official actions of the appeals board, with the exception of findings and deci-

sions, together with the vote of each member on such actions. The journal shall be available for public inspection at the principal office of the appeals board at all reasonable times.

(8) The forest practices appeals board shall have exclusive jurisdiction to hear appeals arising from an action or determination by the department[, and the pollution control hearings board established by RCW 43.21B.010 shall have exclusive jurisdiction to hear appeals arising from an action or determination by the department of ecology].

(9)(a) Any person aggrieved by the approval or disapproval of an application to conduct a forest practice may seek review from the appeals board by filing a request for the same within thirty days of the approval or disapproval. Concurrently with the filing of any request for review with the board as provided in this section, the requestor shall file a copy of his request with the department and the attorney general. The attorney general may intervene to protect the public interest and insure that the provisions of this chapter are complied with.

(b) The review proceedings authorized in subparagraph (a) of this subsection are subject to the provisions of chapter 34.04 RCW pertaining to procedures in contested cases.

Sec. 11. Section 24, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.240 are each amended to read as follows:

No county, city, municipality, or other local or regional governmental entity shall adopt or enforce any law, ordinance, or regulation pertaining to forest practices, except that to the extent otherwise permitted by law, such entities may exercise any:

(1) Land use planning or zoning authority: PROVIDED, That exercise of such authority may regulate forest practices only: (a) Where the application submitted under RCW 76.09.060 *as now or hereafter amended* indicates that the lands will be converted to a use other than commercial timber production; or (b) on lands which have been platted after January 1, 1960; or (c) on tracts of forest land not otherwise covered under subsections (a) and (b) and less than twenty acres including road rights of way in contiguous ownership not classified, designated and taxed under chapter 84.34 RCW, chapter 84.33 RCW, or chapter 84.28 RCW]: PROVIDED, That no permit system solely for forest practices shall be allowed; that any additional or more stringent regulations shall not be inconsistent with the forest practices regulations enacted under this chapter; and such local regulations shall not unreasonably prevent timber harvesting;

(2) Taxing powers;

(3) Regulatory authority with respect to public health; and

(4) Authority granted by chapter 90.58 RCW, the "Shoreline Management Act of 1971", *except that in relation to "shorelines" as defined in RCW 90.58.030, the following shall apply:*

(a) *The forest practice regulations adopted pursuant to this chapter shall be the sole rules applicable to the performance of forest practices, and enforcement thereof shall be solely as provided in chapter 76.09 RCW;*

(b) *As to that road construction which constitutes a substantial development, no permit shall be required under chapter 90.58 RCW for the construction of up to five hundred feet of one and only one road or segment of a road provided such road does not enter the shoreline more than once. Such exemption from said permit requirements shall be limited to a single road or road segment for each forest practice and such road construction shall be subject to the requirements of chapter 76.09 RCW and regulations adopted pursuant thereto and to the prohibitions or restrictions of any master program in effect under the provision of chapter 90.58 RCW. Nothing in this subsection shall add to or diminish the authority of the shoreline management act regarding road construction except as specifically provided herein. The provisions of this subsection shall not relate to any road which crosses over or through a stream, lake, or other water body subject to chapter 90.58 RCW;*

(c) *Nothing in this section shall create, add to, or diminish the authority of local government to prohibit or restrict forest practices within the shorelines through master programs adopted and approved pursuant to chapter 90.58 RCW except as provided in (a) and (b) above.*

Any powers granted by chapter 90.58 RCW pertaining to forest practices, as amended herein, are expressly limited to lands located within "shorelines of the state" as defined in RCW 90.58.030.

Sec. 12. Section 32, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.910 are each amended to read as follows:

Nothing in RCW 76.09.010 through 76.09.280 *as now or hereafter amended* shall modify any requirements to [obtain permits] *comply with the Shoreline Management Act of 1971 except as limited by RCW 76.09.240 as now or hereafter amended*, or [any violations that may be found, under the Shoreline Management Act of 1971 (chapter 90.58 RCW),] the Hydraulics Act (RCW 75.20.100), other state statutes in effect on January 1, 1975, and any local ordinances not inconsistent with RCW 76.09.240 *as now or hereafter amended*.

Sec. 13. Section 30, chapter 137, Laws of 1974 ex. sess. and RCW 90.48.420 are each amended to read as follows:

(1) The department of ecology, pursuant to powers vested in it previously by chapter 90.48 RCW and consistent with the policies of said chapter and RCW 90.54.020(3), shall be solely responsible for establishing water quality standards for waters of the state. On or before January 1, 1975, the department of ecology shall examine existing regulations containing water quality standards and other applicable rules and regulations of said department pertaining to waters of the state affected by nonpoint sources of pollution arising from forest practices and, when it appears appropriate to the department of ecology, modify said regulations. In any such examination or modification the department of ecology shall consider such factors, among others, as uses of the receiving waters, diffusion, downstream cooling, and reasonable transient and short-term effects resulting from forest practices.

Promulgation of forest practices regulations by the department of ecology and the forest practices board, shall be accomplished so that compliance with such forest practice regulations will achieve compliance with [such water quality standards] *water pollution control laws*.

(2) The department of ecology shall monitor water quality to determine whether revisions in such water quality standards or revisions in such forest practices regulations are necessary to accomplish the foregoing result, and either promulgate appropriate revisions to such water quality standards or propose appropriate revisions to such forest practices regulations or both.

(3) Notwithstanding any other provisions of chapter 90.48 RCW or of the rules and regulations promulgated thereunder, no permit system pertaining to nonpoint sources of pollution arising from forest practices shall be authorized, and no civil or criminal penalties shall be imposed with respect to any forest practices conducted in full compliance with the applicable provisions of RCW 76.09.010 through 76.09.280, forest practices regulations, and any approvals or directives of the department of natural resources thereunder.

(4) Prior to the department of ecology taking action under statutes or regulations relating to water quality, regarding violations of water quality standards arising from forest practices, the department of ecology shall notify the department of natural resources.

NEW SECTION. Sec. 14. There is added to chapter 90.48 RCW a new section to read as follows:

The Forest Practices Act, chapter 76.09 RCW, and the forest practices regulations adopted thereunder relating to water quality protection shall be utilized to satisfy the planning and program requirements of sections 208, 209, and 305 of the federal Water Pollution Control Act, as regards silvicultural activities, unless it is determined by the department of ecology that extraordinary conditions exist which make forest practices regulations unsuitable to satisfy such federal requirements.

NEW SECTION. Sec. 15. This 1975 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

In line 1 of the title, after "practices;" strike the remainder of the title and insert

"amending section 3, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.030; amending section 5, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.050; amending section 6, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.060; amending section 7, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.070; amending section 8, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.080; amending section 9, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.090; amending section 10, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.100; amending section 14, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.140; amending section 17, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.170; amending section 22, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.220; amending section 24, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.240; amending section 32, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.320; amending section 30, chapter 137, Laws of 1974 ex. sess. and RCW 90.48.420; adding a new section to chapter 90.48 RCW; and declaring an emergency."

Signed by: Senators Lewis (Harry), Odegard and Peterson; Representatives Martinis, Matthews and Conner.

MOTION

Senator Peterson moved the report of the Conference Committee be adopted and the committee be granted the powers of Free Conference.

Debate ensued.

MOTION

Senator Washington moved that the motion by Senator Peterson be considered as the first order of business on Wednesday, June 4, 1975.

Further debate ensued.

POINT OF INQUIRY

Senator Washington: "Would Senator Bailey yield to a question? Senator Bailey, what is the purpose of placing on our desks this particular report? It is 1078, isn't it? As I understand it, the reason for having the report is for us to make some perusal of it and be able to act intelligently as to whether or not we want to grant the powers of Free Conference. This has been on our desks very shortly. We have not had any chance to look over it, and if this is merely a formality and it does not mean anything, then perhaps you are right, Senator Bailey, but I think this an important matter and I think it is time that we give a little more thought to the granting of the powers of Free Conference."

Senator Bailey: "If that was a question I will try to answer it. It seems to me like if we do not do it this way that we are going to wait until the last minute and then not have the forty-eight hours or the twenty-four hours or the thirty-six hours that we need. Now the only thing we ask in this report, I think, was the fact that they would be on our desks so that we have the time to look them over and I would suggest that would be time well spent tonight and tomorrow, Senator, and why not give them the power. We have to vote on their report. It is not a matter of giving up our rights. We have to vote on their report and I judge this is their report and we are not being asked to vote on it now. We are just being asked to grant them the power to put this report into the bill."

Further debate ensued.

The motion by Senator Washington failed.

The motion by Senator Peterson carried and the Conference Committee was granted the powers of Free Conference on Substitute House Bill No. 1078.

MOTIONS

On motion of Senator Mardesich, the Committee on Constitution and Elections was relieved from further consideration of Senate Joint Resolution No. 131.

On motion of Senator Mardesich, Senate Joint Resolution No. 131 was referred to the Committee on Ways and Means.

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

MESSAGES FROM THE HOUSE

June 3, 1975.

Mr. President: The House has adopted the report of the Free Conference Committee on ENGROSSED HOUSE BILL NO. 205, and has passed the bill as amended by the Free Conference Committee.

DEAN R. FOSTER, Chief Clerk.

June 3, 1975.

Mr. President: The House has adopted the report of the Free Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 47 and has passed the bill as amended by the Free Conference Committee.

DEAN R. FOSTER, Chief Clerk.

June 3, 1975.

Mr. President: The House has concurred in the Senate amendments to HOUSE BILL NO. 1077 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

June 3, 1975.

Mr. President: The House has concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 144 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

June 3, 1975.

Mr. President: The House has concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 350 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

June 3, 1975.

Mr. President: The House has receded from its amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 2408 and has passed the bill without the amendments, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

June 3, 1975.

Mr. President: The House has concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 1043 and passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

June 3, 1975.

Mr. President: The House has concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1178 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

June 3, 1975.

Mr. President: The House has concurred in the Senate amendments to HOUSE BILL NO. 230 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

June 3, 1975.

Mr. President: The Speaker has signed SUBSTITUTE SENATE BILL NO. 2500, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

June 3, 1975.

Mr. President: The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 664,

SUBSTITUTE HOUSE BILL NO. 1204, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MESSAGE FROM THE HOUSE

June 3, 1975.

Mr. President: The House has granted the request of the Senate for a conference on ENGROSSED SENATE BILL NO. 2090 and the House amendments thereto and the Speaker has appointed as members of the conference committee thereon: Representatives Bauer, Bender and Hayner.

DONALD R. WILSON, Assistant Chief Clerk.

MESSAGE FROM THE HOUSE

June 3, 1975.

Mr. President: The House refuses to recede from its amendments to ENGROSSED SENATE BILL NO. 2381 and asks the Senate for a conference thereon and the Speaker has appointed as members of the conference committee: Representatives Sherman, Erickson and Lee.

DONALD R. WILSON, Assistant Chief Clerk.

MOTION

On motion of Senator Mardesich, the request of the House for a conference on Engrossed Senate Bill No. 2381 and the House amendments thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee of Engrossed Senate Bill No. 2381 and the House amendments thereto: Senators Beck, Lewis (R. H. "Bob") and Grant.

MOTION

On motion of Senator Mardesich, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

June 3, 1975.

Mr. President: The House refuses to recede from its amendments to ENGROSSED SENATE BILL NO. 2840 and asks the Senate for a conference thereon and the Speaker has appointed as members of the conference committee: Representatives Seeberger, Smith (Rick) and Deccio.

DONALD R. WILSON, Assistant Chief Clerk.

MOTION

On motion of Senator Mardesich, the request of the House for a conference on Engrossed Senate Bill No. 2840 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. 2840 and the House amendments thereto: Senators Francis, Pullen and Walgren.

MOTION

On motion of Senator Mardesich, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

June 3, 1975.

Mr. President: The House refuses to concur in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 693 and asks the Senate for a conference, and the Speaker has appointed as members of the conference committee thereon: Representatives North, Haussler and Leckenby, and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

MOTION

On motion of Senator Mardesich, the request of the House for a conference on Substitute House Bill No. 693 and the Senate amendments thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 693 and the Senate amendment thereto: Senators Fleming, Jones and Marsh.

MOTION

On motion of Senator Mardesich, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

June 3, 1975.

Mr. President: The House refuses to recede from its amendment to ENGROSSED SENATE BILL NO. 2341 and asks the Senate for a conference and the Speaker has appointed as members of the conference committee thereon: Representatives McCormick, Parker and Patterson.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Mardesich, the request of the House for a conference on Engrossed Senate Bill No. 2341 and the House amendment thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Senate Bill No. 2341 and the House amendment thereto: Senators Bottiger, Wanamaker and Ridder.

MOTION

On motion of Senator Mardesich, the Conference Committee appointments were confirmed.

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE HOUSE BILL NO. 664,
SUBSTITUTE HOUSE BILL NO. 1204.

SIGNED BY THE PRESIDENT

The President signed :
SUBSTITUTE SENATE BILL NO. 2408.

MOTIONS

On motion of Senator Mardesich, the Senate dispensed with the Call of the Senate.
At 8:45 p.m., on motion of Senator Mardesich, the Senate adjourned until 9:00 a.m. Wednesday, June 4, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

EIGHTY-THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, June 4, 1975.

The Senate was called to order at 9:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senator Murray. On motion of Senator Lewis (R. H. "Bob"), Senator Murray was excused.

The Color Guard, consisting of Pages Susan Mackin and David Lee, presented the Colors. Reverend Paul J. Beeman, pastor of the First United Methodist Church of Olympia, offered the following prayer:

"O GOD, YOU HAVE COMPLETELY IDENTIFIED YOURSELF WITH THE LEAST AND THE LOWEST IN OUR SOCIETY. YOU HAVE DECLARED YOUR JUDGMENT AGAINST THOSE WHO MISUSE POWER OR MANIPULATE JUSTICE OR MODIFY CARE FOR ONE ANOTHER. YOU HAVE ASSURED US OF YOUR GRACIOUS KINDNESS, EXPRESSED IN QUIET LOVE AND CORPORATE RESPONSIBILITY.

"AS GRADUATION FEVER SWEEPS HIGH SCHOOL SENIORS, AND ADJOURNMENT FEVER MAKES SENATORS RESTLESS AND WEARY, HELP US TO KEEP TO THE DIVINE PERSPECTIVES, THE GODLY ORDERING OF PRIORITIES. AS WE FACE THE TASKS OF THIS DAY TOGETHER, WE PRAY FOR ALL THE MEMBERS OF THIS BODY, THOSE PRESENT AND THOSE ELSEWHERE. LET THIS BE A GOOD DAY, A USEFUL DAY, AN ORDERED DAY, A PRODUCTIVE DAY, A LOVING DAY, IN THE NAME OF CHRIST OUR LORD. AMEN."

MOTION

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

MOTION

At 9:13 a.m., on motion of Senator Bailey, the Senate was declared to be at ease.

The President called the Senate to order at 9:35 a.m.

The President declared the Senate to be at ease subject to the Call of the President.

The President called the Senate to order at 10:50 a.m.

MESSAGE FROM THE HOUSE

June 2, 1975.

Mr. President: The House refuses to concur in the Senate amendments to ENGROSSED HOUSE BILL NO. 49 and asks the Senate to recede therefrom, and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

MOTION

Senator Day moved that the Senate refuse to recede from the Senate amendments to Engrossed House Bill No. 49 and ask the House for a conference thereon.

POINT OF INQUIRY

Senator Van Hollebeke: "Would Senator Day yield to a question? Senator Day, I had a number of individual cases brought to my attention where parents of mentally deranged young men specifically requested that we expand definitions in order to better facilitate aiding these people with their mental problems. Is our wording as we passed it in the Senate, in your opinion, does it do that? Is that the general concept that we came up with, one that would allow these people to be detained long enough to do them some good?"

Senator Day: "Yes, what this really has to do with is the further definition of what the term 'gravely disabled' means. I do not see that it is greatly expanded, and what really has happened here is that we have returned the thing halfway to what it was before we passed the civil commitment act.

"Now in further answer to your question, in the present statute 'gravely disabled' was defined as meaning a condition in which a person, as a result of a mental disorder, is in danger of serious physical harm resulting from a failure to provide for his essential human needs. Now we merely added to that line 'or in which as a result of a mental disorder a person's judgment is so impaired that he is incapable of realizing and making a rational decision with respect to the need for essential care and presents a likelihood of serious harm to himself or to any other person or to property.' Now the reason we included the property, if you will recall my discussion on this before, was you could have a pyromaniac running loose who could seriously damage property. In fact, right here in Olympia we had one fellow who had been in a mental institution and he set, according to the local police chief, eleven fires before they caught up with him. Now, Senator Van Hollebeke, this I believe is a responsible thing and in addition thereto I am told by the chairman of Ways and Means that they did put additional funds in the budget to take care of the impact to DSHS. I would note also that the related costs are less than ten percent on the local level to over ninety percent on the state level, and I just think this is something that is so necessary that the only responsible thing to do is to take care of gravely disabled people, whether we can do some of the other exotic programs that community health centers feel they would like to do or not as far as the money is concerned."

Senator Van Hollebeke: "Thank you."

Debate ensued.

POINT OF INQUIRY

Senator Clarke: "Would Senator Day yield? Senator, I am in agreement with your statement. The problem I have is this: in reality I do not think that the actual change in this definition makes that much difference. It is the way it is administered in various

areas and I do know that in the King County area there is apprehension and I think probably one of the reasons that the House is refusing to accept our version is because in King County they have stated that there will be a substantial fiscal impact. Now I think that as far as working out the definition of gravely disabled that we have explored, that just about to the extent possible, and I was wondering, if you do go into conference, exactly what do you expect to accomplish because I do not think we can perfect that wording any more than we already have and I think that the difference of opinion is a question of fiscal impact and I do not know how we are going to solve that in the conference?"

Senator Day: "I would say this, that the only reason I did not make the motion to adhere, Senator, is I wanted to let the two houses have some time and opportunity because I felt this was an important situation and it still leaves the body the opportunity to not concur again and insist on their position and send it back, so it does not mean that the bill is dead. It does not mean that it would not go to conference and possibly be able to do something with it. I just felt that we should not recede at this time because I think that you are correct, that we have done—and by the way, this language came from the Judiciary Committee and I think it is an excellent job and I do not believe the department's fiscal note on this particular thing. I think rather than this having a fiscal impact, and that is one of the things I would try to sell to the House, that it does have a program impact. I do not think it would mandate that they necessarily spend more in the total budget but it would make them reassess their priorities and take care of gravely disabled people first, because I really feel, you know, after all we have many programs around here that are done on a priority basis and I just think that a gravely disabled mentally ill person certainly should be one of our top priorities."

MOTION

Senator Goltz moved the Senate recede from its amendments to Engrossed House Bill No. 49.

Debate ensued.

Senator Goltz demanded a roll call and the demand was sustained by Senators Ridder, Buffington, Talley, Day, Woody, Fleming, Beck, Knoblauch and Van Hollebeke.

The President declared the question before the Senate to be the motion by Senator Goltz that the Senate do recede from its amendments to Engrossed House Bill No. 49.

ROLL CALL

The Secretary called the roll and the motion by Senator Goltz failed by the following vote: Yeas, 18; nays, 25; absent or not voting, 5; excused, 1.

Voting yea: Senators Benitz, Bluechel, Clarke, Cunningham, Goltz, Gould, Grant, Jones, Lewis (Harry), Mardesich, Matson, Morrison, Newschwander, North, Scott, Selar, Wanamaker, Wilson—18.

Voting nay: Senators Bailey, Beck, Buffington, Day, Fleming, Francis, Guess, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis (R. H. "Bob"), Marsh, Peterson, Pullen, Ridder, Sandison, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Woody—25.

Absent or not voting: Senators Bottiger, Donohue, McDermott, Odegaard, Rasmussen—5.

Excused: Senator Murray—1.

The motion by Senator Day carried. The Senate refused to recede from the Senate amendments to Engrossed House Bill No. 49 and asks the House for a Conference thereon.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of the House Message on Engrossed Substitute House Bill No. 198.

MESSAGE FROM THE HOUSE

June 3, 1975.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 198, except the amendment to page 6, new section 10, and asks the Senate to recede therefrom, and said bill, together with the Senate amendments thereto, are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Woody, the Senate receded from its amendment to page 6, new section 10 to Engrossed Substitute House Bill No. 198.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 198, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 198, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 6; excused, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, Newschwander, Peterson, Pullen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—42.

Absent or not voting: Senators Bottiger, Donohue, McDermott, North, Odegaard, Rasmussen—6.

Excused: Senator Murray—1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 198, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of the House Message on House Bill No. 796.

MESSAGE FROM THE HOUSE

May 30, 1975.

Mr. President: The House concurred in the Senate amendment to HOUSE BILL NO. 796, page 1, line 10, and passed the bill as amended by the Senate, and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

PARLIAMENTARY INQUIRY

Senator Francis: "I am wondering if there is any action necessary for us to take other than complimenting the House on their wisdom."

REPLY BY THE PRESIDENT

The President: "Another roll call is necessary, Senator Francis, because the measure is different from the shape in which it was sent to the House. In other words, they receded from one amendment. They concurred in one amendment and receded from another."

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 796, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 796, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; nays, 1; absent or not voting, 6; excused, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, Newschwander, Peterson, Pullen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—41.

Voting nay: Senator Fleming—1.

Absent or not voting: Senators Bottiger, Donohue, McDermott, North, Odegaard, Rasmussen—6.

Excused: Senator Murray—1.

HOUSE BILL NO. 796, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Mardesich, the Senate returned to the second order of business.

On motion of Senator Mardesich, the Senate commenced consideration of the Conference Committee report on Engrossed Substitute House Bill No. 40.

REPORT OF CONFERENCE COMMITTEE

June 4, 1975.

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 40, providing for health maintenance organizations, have had the same under consideration, and we report that we cannot agree and request the power of free conference in order to propose the following amendment to the Senate amendment:

On page 16, following line 35 of the Senate amendment, add a new section as follows:

"**NEW SECTION.** Sec. 19. (1) The state government, or any political subdivision thereof, which offers its employees a health benefits plan shall make available to and inform its employees or members of the option to enroll in at least one health maintenance organization holding a valid certificate of authority which provides health care services in the geographic areas in which such employees or members reside.

(2) Each employer, public or private, having more than fifty employees in this state which offers its employees a health benefits plan, and each employee benefits fund in this state having more than fifty members which offers its members any form of health benefits shall make available to and inform its employees or members of the option to enroll in at least one health maintenance organization holding a valid certificate of authority which provides health care services in the geographic areas in which a substantial number of such employees or members reside: **PROVIDED**, That unless at least 25 employees agree to participate in a health maintenance organization the employer need not provide such an option: **PROVIDED FURTHER**, That where such employees are members of a bona fide bargaining unit covered by a labor-management collective bargaining agreement, the selection of the options required by this section may be specified in such agreement: **AND PROVIDED FURTHER**, That the provisions of this section shall not be mandatory where such members are covered by a Taft-Hartley health care trust, except that the labor-management trustees may contract with a health maintenance organization if a feasibility study determines it is to the advantage of the members to so contract.

(3) Subsections (1) and (2) of this section shall impose no responsibilities or duties upon state government or any political subdivision thereof or any other employer, either public or private, to provide health maintenance organization coverage when no health maintenance organization exists for the purpose of providing health care services in the geographic areas in which the employees or members reside.

(4) No employer in this state shall in any way be required to pay more for health benefits as a result of the application of this section than would otherwise be required by any prevailing collective bargaining agreement or other legally enforceable contract of obligation for the provision of health benefits between such employer and its employees."

Renumber the remaining sections consecutively.

Signed by: Senators Day, McDermott and Buffington; Representatives Adams and Eng.

MOTION

On motion of Senator Mardesich, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed House Bill No. 49, and the Senate amendments thereto: Senators Day, North and Woody.

MOTION

On motion of Senator Mardesich, the Conference Committee appointments were confirmed.

President Pro Tempore Henry assumed the Chair.

MOTION

On motion of Senator Mardesich, the Senate advanced to the seventh order of business.

Senators Mardesich, Francis and Woody 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 Murray who had previously been excused.

MOTIONS

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

RECONSIDERATION OF VOTE

The Senate resumed consideration of Engrossed Substitute Senate Bill No. 2092, as amended by the House. The bill failed to pass the Senate on May 30, 1975. At that time, on motion of Senator Francis, the Senate moved to reconsider the vote by which Engrossed Substitute Senate Bill No. 2092, as amended by the House, failed to pass.

PARLIAMENTARY INQUIRY

Senator Clarke: "The bill is now on final passage?"

REPLY BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "As amended by the House."

MOTION FOR RECONSIDERATION

Senator Cunningham moved that the Senate reconsider the vote by which the Senate, on motion of Senator Francis, moved to reconsider the vote by which Engrossed Substitute Senate Bill No. 2092, as amended by the House, failed to pass the Senate.

POINT OF ORDER

Senator Woody: "Mr. President, on point of order, I question whether a motion for reconsideration of the vote by which that is taken up by Senator Cunningham at this time is timely under Rule 31."

RULING BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "Senator Woody, on your point of order, when the Senate voted to reconsider the bill on third reading, it is my opinion that the bill held status quo and every motion or portion of that bill should be in the same position. Therefore, I feel that your point of order is not well taken."

Debate ensued.

PARLIAMENTARY INQUIRY

Senator Newschwander: "I notice that you were holding the watch on the three-minute rule. I believe that we have a three-minute rule. Has the Chair ruled on how many times we may stand and talk on the three-minute rule? We are getting in the closing days of this session and we have had one speech on the same amendment or the same bill before, and we will be here forever unless we sooner or later face the issue."

REMARKS BY SENATOR BAILEY

Senator Bailey: "Mr. President, Senator Mardesich's motion was to the effect — I had made one later and then withdrew it — was to the effect that we invoke the three-minute rule. If the three-minute rule would let anyone get up and speak three minutes on a subject and then sit down and get up again and start another three minutes, there would be no point in the three-minute rule. I would submit the purpose or the intent of the rule is three minutes on each subject, each amendment. Now my motion which I withdrew the day I talked to Senator Guess was a three-minute rule with no yields and once on every subject, but if you let them speak more than once on a subject you haven't any three-minute rule, and the body has already invoked that rule."

REPLY BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "I think Senator Bailey's point of order is well taken. However, Senator Bailey, I am not Solomon, but if a man talks a minute or a minute and a half and then there is intervening debate and he still has a minute or a minute and a half left, I see no reason why he should not have it."

Further debate ensued.

Senator Herr demanded a roll call and the demand was sustained by Senators Lewis (R. H. "Bob"), Washington, Marsh, Bailey, Day, Knoblauch, Pullen, Woody, and Van Hollebeke.

The President declared the question before the Senate to be the motion by Senator Cunningham to reconsider the motion by which the Senate moved to reconsider the vote by which Engrossed Substitute Senate Bill No. 2092, as amended by the House, failed to pass the Senate.

ROLL CALL

The Secretary called the roll and the motion by Senator Cunningham failed by the following vote: Yeas, 24; nays, 24; excused, 1.

Voting yea: Senators Beck, Cunningham, Day, Donohue, Grant, Guess, Henry, Jolly, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Newschwander, Odegard, Pullen, Rasmussen, Sellar, Talley, Van Hollebeke, von Reichbauer, Washington, Wilson—24.

Voting nay: Senators Bailey, Benitz, Bluechel, Bottiger, Buffington, Clarke, Flem-

ing, Francis, Goltz, Gould, Herr, Jones, Lewis (Harry), McDermott, Morrison, North, Peterson, Ridder, Sandison, Scott, Stortini, Walgren, Wanamaker, Woody—24.

Excused: Senator Murray—2.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 2092, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2092, as amended by the House, and the bill passed the Senate, on reconsideration, by the following vote: Yeas, 28; nays, 20; excused, 1.

Voting yea: Senators Bailey, Benitz, Bluechel, Bottiger, Buffington, Clarke, Donohue, Fleming, Francis, Goltz, Gould, Grant, Henry, Herr, Jolly, Jones, Lewis (Harry), McDermott, Morrison, North, Peterson, Ridder, Sandison, Scott, Stortini, Walgren, Wanamaker, Woody—28.

Voting nay: Senators Beck, Cunningham, Day, Guess, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Newschwander, Odegaard, Pullen, Rasmussen, Sellar, Talley, Van Hollebeke, von Reichbauer, Washington, Wilson—20.

Excused: Senator Murray—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2092, as amended by the House, having received the constitutional majority, on reconsideration, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Mardesich, the Senate dispensed with the Call of the Senate.

At 12:08 p.m., on motion of Senator Mardesich, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

Senators Bailey, Herr 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 of the Call of the Senate, all members being present except Senator Murray who was previously excused.

MOTION

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

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 827, by Committee on Constitution and Elections (originally sponsored by Representatives King, Lysen, Brown, Knowles, Erickson and Chandler):

Providing changes in public disclosure provisions.

REPORT OF STANDING COMMITTEE

May 14, 1975.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 827, providing changes in public disclosure provisions (reported by Committee on Constitution and Elections):

Recommendation: Do pass with the following amendments:

Strike all material after the enacting clause and insert the following:

"Section 1. Section 2, chapter 1, Laws of 1973 and RCW 42.17.020 are each amended to read as follows:

(1) "Agency" includes all state agencies and all local agencies. "State agency" includes every state office, public official, department, division, bureau, board, commission or other state agency. "Local agency" includes every county, city, city and county, school district, municipal corporation, district, political subdivision, or any board, commission or agency thereof, or other local public agency.

(2) "Ballot proposition" means any "measure" as defined by RCW 29.01.110, or any initiative, recall, or referendum proposition proposed to be submitted to the voters of [any specific] *the state or any municipal corporation, political subdivision or other voting constituency [which] from and after the time when such proposition has been initially filed with the appropriate election officer of that constituency prior to its circulation for signatures.*

(3) "Campaign depository" means a bank designated by a candidate or political committee pursuant to RCW 42.17.050.

(4) "Campaign treasurer" and "deputy campaign treasurer" mean the individuals appointed by a candidate or political committee, pursuant to RCW 42.17.050, to perform the duties specified in that section.

(5) "Candidate" means any individual who seeks election to public office. An individual shall be deemed to seek election when he first:

(a) Receives contributions or makes expenditures or reserves space or facilities with intent to promote his candidacy for office; or

(b) Announces publicly or files for office.

(6) "Commercial advertiser" means any person who sells the service of communicating messages or producing printed material for broadcast or distribution to the general public or segments of the general public whether through the use of newspapers, magazines, television and radio stations, billboard companies, direct mail advertising companies, printing companies, or otherwise.

(7) "Commission" means the agency established under RCW 42.17.350.

(8) "Compensation" *unless the context requires a narrower meaning, includes payment in any form for real or personal property or services of any kind.*

(9) "Continuing political committee" means a political committee which is an organization of continuing existence not established in anticipation of any particular election.

(10) "Contribution" includes a loan, gift, deposit, subscription, forgiveness of indebtedness, donation, advance, pledge, payment, transfer of funds between political committees, or transfer of anything of value, including personal and professional services for less than full consideration, but does not include ordinary home hospitality and the rendering of "part time" personal services of the sort commonly performed by volunteer campaign workers or incidental expenses *personally incurred by volunteer campaign workers* not in excess of twenty-five dollars personally paid for by [any volunteer campaign] *such worker.* "Part time" services, for the purposes of this chapter, means services in addition to regular full time employment, or, in the case of an unemployed person, services not in excess of twenty hours per week, excluding weekends. For the purposes of this chapter, contributions other than money or its equivalents shall be deemed to have a money value equivalent to the fair market value of the contribution. Sums paid for tickets to fund-raising events such as dinners and parties are contributions; however, the amount of any such contribution may be reduced for the purpose of complying with the reporting requirements of this chapter, by the actual cost of consumables furnished in connection with the purchase of such tickets, and only the excess over actual cost of such consumables shall be deemed a contribution.

[(9)] (11) "Elected official" means any person elected at a general or special election to any public office, and any person appointed to fill a vacancy in any such office.

[(10)] (12) "Election" includes any primary, general or special election for public office and any election in which a ballot proposition is submitted to the voters.

[(11)] (13) "Election campaign" means any campaign in support of or in opposition to a candidate for election to public office and any campaign in support of, or in opposition to, a ballot proposition.

[(12)] (14) "Expenditure" includes a payment, contribution, subscription, distri-

bution, 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. The term "expenditure" also includes a promise to pay, a payment or a transfer of anything of value in exchange for goods, services, property, facilities or anything of value for the purpose of assisting, benefiting or honoring any public official or candidate, or assisting in furthering or opposing any election campaign.

[(13)] (15) "Final report" means the report described as a final report in RCW 42.17.080(2).

[(14)] (16) "Immediate family" includes the spouse and children living in the household and other relatives living in the household.

[(15)] (17) "Legislation" means bills, resolutions, motions, amendments, nominations, and other matters pending or proposed in either house of the state legislature, and includes any other matter which may be the subject of action by either house, or any committee of the legislature and all bills and resolutions which having passed both houses, are pending approval by the governor.

[(16)] (18) "Lobby" and "lobbying" each mean attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency under the state Administrative Procedure Acts, chapter 34.04 RCW and chapter 28B.19 RCW.

[(17)] (19) "Lobbyist" includes any person who shall lobby either in his own or another's behalf.

[(18)] (20) "Lobbyist's employer" means the person or persons by whom a lobbyist is employed and all persons by whom he is compensated for acting as a lobbyist.

[(19)] (21) "Person" includes an individual, partnership, joint venture, public or private corporation, association, federal, state or local governmental entity or agency however constituted, candidate, committee, political committee, political party, executive committee thereof, or any other organization or group of persons, however organized.

[(20)] (22) "Person in interest" means the person who is the subject of a record or any representative designated by said person, except that if such person be under a legal disability, the term "person in interest" shall mean and include the parent or duly appointed legal representative.

[(21)] (23) "Political advertising" includes any advertising displays, newspaper ads, billboards, signs, brochures, articles, tabloids, flyers, letters, radio or television presentations or other means of mass communication, used for the purpose of appealing, directly or indirectly, for votes or for financial or other support in any election campaign.

[(22)] (24) "Political committee" means any person (except a candidate or an individual dealing with his own funds or property) having the expectation of receiving contributions or making expenditures in support of, or opposition to, any candidate or any ballot proposition.

[(23)] (25) "Public office" means any federal, state, county, city, town, school district, port district, special district, or other state political subdivision elective office.

[(24)] (26) "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

[(25)] (27) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents.

As used in this chapter, the singular shall take the plural and any gender, the other, as the context requires.

Sec. 2. Section 6, chapter 1, Laws of 1973 and RCW 42.17.060 are each amended to read as follows:

(1) All monetary contributions received by a candidate or political committee shall be deposited by the campaign treasurer or deputy treasurer in a campaign depository in an account designated, "Campaign Fund of" (name of candidate or political committee).

(2) All deposits made by a campaign treasurer or deputy campaign treasurer shall be accompanied by a statement containing the name of each person contributing the funds so deposited and the amount contributed by each person: PROVIDED, That contributions not exceeding five dollars from any one person may be deposited without identifying the contributor. The statement shall be in triplicate, upon a form prescribed by the commission, one copy to be retained by the campaign depository for its records *for the minimum term of three years*, one copy to be filed by the campaign treasurer with the commission, and one copy to be retained by the campaign treasurer for his records. In the event of deposits made by a deputy campaign treasurer, the third copy shall be forwarded to the campaign treasurer to be retained by him for his records. Each statement shall be certified as correct by the campaign treasurer or deputy campaign treasurer making the deposit.

(3) [(a) Accumulated anonymous contributions in excess of one dollar from any individual contributor, and

(b)] *Political committees which support or oppose more than one candidate or ballot proposition, or exist for more than one purpose, may maintain multiple separate bank accounts within the same designated depository for such purposes: PROVIDED, Each such account shall bear the same name followed by an appropriate designation which accurately identifies its separate purpose: AND PROVIDED FURTHER, That transfers of funds which must be reported under RCW 42.17.090(1)(d) may not be made from more than one such account.*

(4) Accumulated [anonymous] *unidentified* contributions in excess of one percent of the total accumulated contributions received [to date] *in the current calendar year* or three hundred dollars (whichever is [less] *more*), shall not be deposited, used or expended, but shall be returned to the donor, if his identity can be ascertained. If the donor cannot be ascertained, the contribution shall escheat to the state, and shall be paid to the state treasurer for deposit in the state general fund.

NEW SECTION. Sec. 3. There is added to chapter 42.17 RCW a new section to read as follows:

(1) In addition to the provisions of this section, a continuing political committee shall file and report on the same conditions and at the same times as any other committee in accordance with the provisions of RCW 42.17.040, 42.17.050, and 42.17.060.

(2) A continuing political committee shall file with the commission and the auditor of the county in which the committee treasurer resides a report on the tenth day of each month detailing its activities for the preceding calendar month. The report shall be on a form supplied by the commission and shall include the following information:

(a) The information required by RCW 42.17.090;

(b) Each expenditure made to retire previously accumulated debts of the committee; identified by recipient, amount, and date of payments;

(c) Such other information as the commission shall by rule prescribe.

(3) If a continuing political committee shall make a contribution in support of or in opposition to a candidate or ballot proposition within sixty days prior to the date on which such candidate or ballot proposition will be voted upon, such continuing political committee shall report pursuant to RCW 42.17.080, as now or hereafter amended, until twenty-one days after said election.

(4) A continuing political committee shall file reports as required by this chapter until it is dissolved, at which time a final report shall be filed. Upon submitting a final report, the duties of the campaign treasurer shall cease and there shall be no obligation to make any further reports.

(5) The campaign treasurer shall maintain books of account in accordance with generally accepted accounting principles reflecting all contributions and expenditures

on a current basis within three business days of receipt or expenditure. During the eight days immediately preceding the date of any election, for which the committee has received any contributions or made any expenditures, the books of account shall be kept current within one business day and shall be open for public inspection during normal business hours at the principal campaign headquarters or, if there is no campaign headquarters, at the address of the campaign treasurer.

(6) All reports filed pursuant to this section shall be certified as correct by the campaign treasurer.

(7) Copies of all reports filed pursuant to this section shall be readily available for public inspection at the principal campaign headquarters or, if there is no campaign headquarters, at the address of the campaign treasurer.

(8) The commission may by rule establish alternative reporting dates for political committees that take the form of inactive holders of surplus campaign funds: **PROVIDED**, That the commission shall not be authorized to establish such alternative reporting dates for any month during which such committee receives any contribution or makes any expenditure.

Sec. 4. Section 8, chapter 1, Laws of 1973 and RCW 42.17.080 are each amended to read as follows:

(1) On the day the campaign treasurer is designated, each candidate or political committee shall file with the commission and the county auditor of the county in which the candidate resides (or in the case of a political committee supporting or opposing a ballot proposition, the county in which the campaign treasurer resides), in addition to any statement of organization required under RCW 42.17.040, a report of all contributions received and expenditures made in the election campaign prior to that date[: **PROVIDED**, That if the political committee is an organization of continuing existence not established in anticipation of any particular election the campaign treasurer shall report, at the times required by this chapter, and at such other times as are designated by the commission, all contributions received and expenditures made since the date of his or his predecessor's last report. In addition to any statement of organization required under RCW 42.17.040, the initial report of the campaign treasurer of such a political committee in existence at the time this chapter becomes effective need include only:

(a) The funds on hand at the time of the report, and

(b) Such other information as shall be required by the commission by regulation in conformance with the policies and purposes of this chapter].

(2) At the following intervals each campaign treasurer shall file with the commission and the county auditor of the county in which the candidate resides (or in the case of a political committee supporting or opposing a ballot proposition the county in which the campaign treasurer resides) a further report of the contributions received and expenditures made since the date of the last report:

((a) On the fifth and nineteenth days immediately preceding the date on which the election is held; and

(b) Within ten days after the date of a primary election, and within twenty-one days after the date of all other elections; and

(c) On the tenth day of each month preceding the election in which no other reports are required to be filed under this section.

The report filed under paragraph (b) above shall be the final report if there is no outstanding debt or obligation, and the campaign fund is closed, and the campaign is concluded in all respects, and if in the case of a political committee, the committee has ceased to function and has dissolved. If the candidate or political committee has any outstanding debt or obligation, additional reports shall be filed at least once every six months until the obligation or indebtedness is entirely satisfied at which time a final report shall be filed. [A continuing political committee shall file reports as required by this chapter until it is dissolved, at which time a final report shall be filed.] Upon submitting a final report, the duties of the campaign treasurer shall cease and there shall be no obligation to make any further reports.

(3) The campaign treasurer shall maintain books of account in accordance with generally accepted accounting principles reflecting all contributions and expenditures

on a current basis within three business days of receipt or expenditure. During the eight days immediately preceding the date of the election the books of account shall be kept current within one business day and shall be open for public inspection during normal business hours at the principal campaign headquarters or, if there is no campaign headquarters, at the address of the campaign treasurer.

(4) All reports filed pursuant to this section shall be certified as correct by the candidate and the campaign treasurer.

(5) Copies of all reports filed pursuant to this section shall be readily available for public inspection at the principal campaign headquarters or, if there is no campaign headquarters, at the address of the campaign treasurer.

Sec. 5. Section 9, chapter 1, Laws of 1973 and RCW 42.17.090 are each amended to read as follows:

(1) Each report required under RCW 42.17.080 shall disclose for the period beginning at the end of the period for the last report or, in the case of an initial report, at the time of the first contribution or expenditure, and ending not more than three days prior to the date the report is due:

(a) The funds on hand at the beginning of the period;

(b) The name and address of each person who has made one or more contributions during the period, together with the money value and date of such contributions and the aggregate value of all contributions received from each such person during the preceding twelve-month period: PROVIDED, That contributions not exceeding five dollars in aggregate from any one person during the election campaign may be reported as one lump sum so long as the campaign treasurer maintains a separate and private list of the names, addresses, and amounts of each such contributor;

(c) Each loan, promissory note, or security instrument to be used by or for the benefit of the candidate or political committee made by any person, together with the names and addresses of the lender and each person liable directly, indirectly or contingently and the date and amount of each such loan, promissory note, or security instrument;

(d) The name and address of each political committee from which the reporting committee or candidate received, or to which that committee or candidate made, any transfer of funds, together with the amounts, dates and purpose of all such transfers;

(e) All other contributions not otherwise listed or exempted;

(f) The name and address of each person to whom an expenditure was made in the aggregate amount of twenty-five dollars or more, and the amount, date and purpose of each such expenditure;

(g) The total sum of expenditures;

(h) The surplus or deficit of contributions over expenditures;

(i) The disposition made of any surplus of contributions over expenditures;

(j) Such other information as shall be required by the commission by regulation in conformance with the policies and purposes of this chapter; and

(k) Funds received from a political committee not domiciled in Washington state and not otherwise required to report under this chapter (a "nonreporting committee"). Such funds shall be forfeited to the state of Washington unless the nonreporting committee or the recipient of such funds has filed or within three days following such receipt shall file with the commission a statement disclosing: (i) its name and address; (ii) the purposes of the nonreporting committee; (iii) the names, addresses and titles of its officers or if it has no officers, the names, addresses and titles of its responsible leaders; (iv) a statement whether the nonreporting committee is a continuing one; (v) the name, office sought, and party affiliation of each candidate in the state of Washington whom the nonreporting committee is supporting, and, if such committee is supporting the entire ticket of any party, the name of the party; (vi) the ballot proposition supported or opposed in the state of Washington, if any, and whether such committee is in favor of or opposed to such proposition; (vii) the name and address of each person residing in the state of Washington or corporation which has a place of business in the state of Washington who has made one or more contributions to the nonreporting committee during the preceding twelve-month period, together with the money value and date of such con-

tributions; (viii) the name and address of each person in the state of Washington to whom an expenditure was made by the nonreporting committee on behalf of a candidate or political committee in the aggregate amount of twenty-five dollars or more, the amount, date and purpose of such expenditure, and the total sum of such expenditures; (ix) such other information as the commission may by regulation prescribe, in keeping with the policies and purposes of this chapter.

(2) The campaign treasurer and the candidate shall certify the correctness of each report.

Sec. 6. Section 12, chapter 1, Laws of 1973 and RCW 42.17.120 are each amended to read as follows:

No contribution shall be made and no expenditure shall be incurred, directly or indirectly, in a fictitious name, anonymously, or by one person through an agent, relative or other person in such a manner as to conceal the identity of the source of the contribution or in any other manner so as to effect concealment.

Sec. 7. Section 16, chapter 1, Laws of 1973 and RCW 42.17.160 are each amended to read as follows:

The following persons and activities shall be exempt from registration and reporting under RCW 42.17.150, 42.17.170, 42.17.190, and 42.17.200:

(1) Persons who limit their lobbying activities to appearance before public sessions of committees of the legislature, or public hearings of state agencies.

(2) News or feature reporting activities and editorial comment by working members of the press, radio, or television and the publication or dissemination thereof by a newspaper, book publisher, regularly published periodical, radio station, or television station.

(3) Lobbying without compensation or other consideration for acting as a lobbyist: PROVIDED, Such person makes no expenditure for or on behalf of any member of the legislature or state elected official or public officer or employee of the state of Washington in connection with such lobbying. Any person exempt under this subsection (3) may at his option register and report under this chapter.

(4) *Persons who restrict their lobbying activities to no more than four days or parts thereof during any three-month period and whose total expenditures during such three-month period for or on behalf of any one or more members of the legislature or state elected officials or public officers or employees of the state of Washington in connection with such lobbying do not exceed five dollars: PROVIDED, That the commission may require disclosure by sponsors or employers of persons otherwise exempt under this subsection. Any person exempted under this subsection (4) may at his option register and report under this chapter.*

(5) The governor.

[(5)] (6) The lieutenant governor.

[(6)] (7) Except as provided by RCW 42.17.190(1), members of the legislature.

[(7)] (8) Except as provided by RCW 42.17.190(1), persons employed by the legislature for the purpose of aiding in the preparation [and] or enactment of legislation or the performance of legislative duties.

[(8)] (9) Except as provided by RCW 42.17.190 elected state officers, state officers appointed by the governor subject to confirmation by the Senate, and employees of any state agency.

Sec. 8. Section 17, chapter 1, Laws of 1973 and RCW 42.17.170 are each amended to read as follows:

(1) Any lobbyist registered under RCW 42.17.150 and any person who lobbies shall file with the commission periodic reports of his activities signed by both the lobbyist and the lobbyist's employers. The reports shall be made in the form and manner prescribed by the commission. They shall be due quarterly and shall be filed within thirty days after the end of the calendar quarter covered by the report. In addition to the quarterly reports, while the legislature is in session, any lobbyist who lobbies with respect to any legislation shall file interim weekly periodic reports for each week that the legislature is in session, which reports need be signed only by the lobbyist and which shall be filed on each Tuesday for the activities of the week ending on the preceding Sat-

urday: *PROVIDED, That it shall not be necessary to file any such interim weekly periodic reports for any week during which no expenditure reportable under RCW 42.17.170(2) was made by the reporting person.*

(2) Each such quarterly and weekly periodic report shall contain:

(a) The totals of all expenditures made or incurred by such lobbyist or on behalf of such lobbyist by the lobbyist's employer during the period covered by the report, which totals shall be segregated according to financial category, including food and refreshments; living accommodations; advertising; travel; telephone; contributions; office expenses, including rent and the salaries and wages paid for staff and secretarial assistance, or the proportionate amount thereof, paid or incurred for lobbying activities; and other expenses or services: *PROVIDED HOWEVER, That unreimbursed personal living and travel expenses of a lobbyist not incurred directly or indirectly for any lobbying purpose need not be reported: AND PROVIDED FURTHER, That the interim weekly reports of legislative lobbyists for the legislative session need show only the expenditures for food and refreshments; living accommodations; travel; contributions; and such other categories as the commission shall prescribe by rule. Each individual expenditure of more than fifteen dollars for entertainment shall be identified by date, place, amount, and the names of all persons in the group partaking in or of such entertainment including any portion thereof attributable to the lobbyist's participation therein but without allocating any portion of such expenditure to individual participants.*

(b) In the case of a lobbyist employed by more than one employer, the proportionate amount of such expenditures in each category incurred on behalf of each of his employers.

(c) An itemized listing of each such expenditure in the nature of a contribution of money or of tangible or intangible personal property to any legislator, or for or on behalf of any legislator. All contributions made to, or for the benefit of, any legislator shall be identified by date, amount, and the name of the legislator receiving, or to be benefited by each such contribution.

(d) The subject matter of proposed legislation or rulemaking; the proposed rules, standards, rates or other legislative enactments under chapter 34.04 RCW and chapter 28B.19 RCW (the state Administrative Procedure Acts) and the state agency considering the same; and the number of each senate or house bill, resolution, or other legislative activity which the lobbyist has been engaged in supporting or opposing during the reporting period: *PROVIDED, That in the case of appropriations bills the lobbyist shall enumerate the specific section or sections which he supported or opposed.*

Sec. 9. Section 18, chapter 1, Laws of 1973 and RCW 42.17.180 are each amended to read as follows:

Every employer of a lobbyist registered under this chapter *during the preceding calendar year* shall file with the commission on or before [January] *March 31st* of each year a statement disclosing for the preceding [twelve months] *calendar year* the following information:

(1) The name of each *state* elected official [,] *and the name of each candidate* [, or] *for state office who was elected to such office* and any member of [his] *the immediate family of such persons to whom such employer has paid any compensation in the amount of five hundred dollars or more during the preceding calendar year for personal employment or professional services, including professional services rendered by a corporation, partnership, joint venture, association, union, or other entity in which such person holds any office, directorship, or any general partnership interest, or an ownership interest of ten percent or more, the value of such compensation in accordance with the reporting provisions set out in RCW 42.17.240(2), and the consideration given or performed in exchange for such compensation.*

(2) The name of any [corporation, partnership, joint venture, association, union or other entity of which any elected official, candidate, or any member of his immediate family is a member, officer, partner, director, associate or employee and to which the employer has paid compensation, the value of such compensation and the consideration given or performed in exchange for such compensation.] *state elected official, successful*

candidate for state office or members of his immediate family to whom the lobbyist employer made expenditures (including contributions), directly or indirectly, either through a lobbyist or otherwise, the amount of such expenditures and the purpose for such expenditures: PROVIDED, That the term expenditure shall not include any expenditure made by the employer in the ordinary course of business if such expenditure is not made for the purpose of influencing, honoring, or benefiting such elected official, successful candidate or member of his immediate family, as an elected official or candidate.

(3) *The total expenditures made by the employer for lobbying purposes, whether through or on behalf of a registered lobbyist or otherwise;*

(4) *All contributions made to a candidate for state office, to a political committee supporting or opposing a candidate for state office, or to a political committee supporting or opposing a state-wide ballot proposition. Such contributions shall be identified by name and address of the recipient and the aggregate amounts contributed.*

(5) *The name and address of each registered lobbyist employed by such employer.*

(6) *Such other information as the commission shall by rule require.*

Sec. 10. Section 19, chapter 1, Laws of 1973 and RCW 42.17.190 are each amended to read as follows:

(1) Every legislator and every committee of the legislature shall file with the commission quarterly reports listing the names, addresses, and salaries of all persons employed by the person or committee making the filing for the purpose of aiding in the preparation [and] or enactment of legislation *or the performance of legislative duties of such legislator or committee during the preceding quarter.* The reports shall be made in the form and the manner prescribed by the commission and shall be filed between the first and tenth days of each calendar quarter: *PROVIDED, That the information required by this subsection may be supplied, insofar as it is available, by the chief clerk of the house of representatives or by the secretary of the senate on a form prepared by the commission.*

(2) Unless expressly authorized by law, no state funds shall be used directly or indirectly for lobbying: *PROVIDED, This shall not prevent state officers or employees from communicating with a member of the legislature on the request of that member; or communicating to the legislature, through the proper official channels, requests for legislative action or appropriations which are deemed necessary for the efficient conduct of the public business or actually made in the proper performance of their official duties: PROVIDED FURTHER, That this subsection shall not apply to the legislative branch.*

(3) Each state agency which expends state funds for lobbying pursuant to an express authorization by law or whose officers or employees communicate *on legislation directly affecting the agency* to members of the legislature on request of any member or communicate to the legislature requests for legislation [or appropriations] shall file with the commission quarterly statements providing the following information for the quarter just completed:

(a) The name of the agency filing the statement;

(b) The name, title, and job description and salary of each employee engaged in such legislative activity, a general description of the nature of his legislative activities, and the proportionate amount of his time spent on such activities [;];

(c) In the case of any communications to a member of the legislature in response to a request from the member, the name of the member making the request and the nature and subject of the request [;].

The statements shall be in the form and the manner prescribed by the commission and shall be filed within thirty days after the end of the quarter covered by the report.

(4) The provisions of this section shall not relieve any state officer or any employee of a state agency from complying with other provisions of this chapter, if such officer or employee is not otherwise exempted.

Sec. 11. Section 24, chapter 1, Laws of 1973 and RCW 42.17.240 are each amended to read as follows:

(1) Every elected official (except president, vice president and precinct committeemen) shall [on or] *after January 1st and before January 31st of each year [;]; and*

every candidate, and every person appointed to fill a vacancy in an elective office (except for the offices of president, vice president and precinct committeeman) shall, within two weeks of becoming a candidate, or being appointed to such office, file with the commission a written statement sworn as to its truth and accuracy stating for himself and all members of his immediate family, for the preceding twelve months:

(a) Occupation, name of employer, and business address; and

(b) Each [direct financial interest in excess of five thousand dollars in a] bank or savings account or [cash surrender value of any] insurance policy in which any such person or persons owned a direct financial interest which exceeded five thousand dollars at any time during such period; each other item of intangible personal property in which any such person or persons owned a direct financial interest [in excess of], the value of which exceeded five hundred dollars during such period; and the name, address, nature of entity, nature and highest value of each such direct financial interest during the reporting period; and

(c) The name and address of each creditor to whom the value of five hundred dollars or more was owed; the original amount of each debt to each such creditor; the amount of each debt owed to each creditor as of the date of filing; the terms of repayment of each such debt; and the security given, if any, for each such debt: PROVIDED, That debts arising out of a "retail installment transaction" as defined in chapter 63.14 RCW (Retail Installment Sales Act) need not be reported; and

(d) Every public or private office, directorship and position as trustee held; and

(e) All persons for whom [actual or proposed] any legislation, or any rule [s], rate[s], or standard[s] has been prepared, promoted, or opposed for current or deferred compensation; PROVIDED, That for the purposes of this subsection, "compensation" shall not include the compensation paid to an elected official by the governmental entity of which he is an elected official for his service in office; the description of such actual or proposed legislation, rules, rates or standards; and the amount of current or deferred compensation paid or promised to be paid; and

(f) The name and address of each governmental entity, corporation, partnership, joint venture, sole proprietorship, association, union, or other business or commercial entity from whom compensation has been received in any form of a total value of five hundred dollars or more; the value of such compensation; and the consideration given or performed in exchange for such compensation; and

(g) The name of any corporation, partnership, joint venture, association, union, or other entity in which is held any office, directorship, or any general partnership interest, or an ownership interest of ten percent or more; the name or title of that office, directorship, or partnership; the nature of ownership interest; and with respect to each such entity: (i) With respect to a governmental unit in which the elected official holds any elective office, if such entity has received compensation in any form during the preceding twelve months from such governmental unit, the value of such compensation and the consideration given or performed in exchange for such compensation; (ii) The name of each governmental [entity] unit, corporation, partnership, joint venture, sole proprietorship, association, union or other business or commercial entity from which such entity has received compensation in any form in the amount of five hundred dollars or more during the preceding twelve months and the consideration given or performed in exchange for such compensation: PROVIDED, The term "compensation" for purposes of this subsection (1)(g)(ii) shall not include payment for water and other utility services at rates approved by the Washington state utilities and transportation commission or the legislative authority of the public entity providing such service, or interest and fees by a borrower in connection with loans from a bank or other commercial lending institution; (iii) The name of each governmental unit, corporation, partnership, joint venture, sole proprietorship, association, union, or other business or commercial entity for which such entity has at any time during the preceding twelve months held a time or demand deposit in excess of either one hundred thousand dollars or one-tenth of one percent of the total of all time and demand deposits held by such entity on the last business day of the preceding calendar year (whichever is less); and

(h) A list, including legal or other sufficient descriptions as prescribed by the

commission, of all real property in the state of Washington, the assessed valuation of which exceeds two thousand five hundred dollars in which any direct financial interest was acquired during the preceding calendar year, and the statement of the amount and nature of the financial interest and of the consideration given in exchange for such interest; and

(i) A list, including legal or other sufficient descriptions as prescribed by the *commission*, of all real property in the state of Washington, the assessed valuation of which exceeds two thousand five hundred dollars in which any direct financial interest was divested during the preceding calendar year, and a statement of the amount and nature of the consideration received in exchange for such interest, and the name and address of the person furnishing such consideration; and

(j) A list, including legal or other sufficient descriptions as prescribed by the *commission*, of all real property in the state of Washington, the assessed valuation of which exceeds two thousand five hundred dollars in which a direct financial interest was held: PROVIDED, That if a description of such property has been included in a report previously filed, such property may be listed, for purposes of this provision, by reference to such previously filed report;

(k) A list, including legal or other sufficient descriptions as prescribed by the *commission*, of all real property in the state of Washington, the assessed valuation of which exceeds five thousand dollars, in which a corporation, partnership, firm, enterprise or other entity had a direct financial interest, in which corporation, partnership, firm or enterprise a ten percent or greater ownership interest was held; and

(1) Such other information as the commission may deem necessary in order to properly carry out the purposes and policies of this chapter, as the commission shall by rule prescribe.

(2) Where an amount is required to be reported under subsection (1), paragraphs (a) through (k) of this section, it shall be sufficient to comply with such requirement to report whether the amount is less than one thousand dollars, at least one thousand dollars but less than five thousand dollars, at least five thousand dollars but less than ten thousand dollars, at least ten thousand dollars but less than twenty-five thousand dollars, or twenty-five thousand dollars or more. An amount of stock may be reported by number of shares instead of by market value. No provision of this subsection shall be interpreted to prevent any person from filing more information or more detailed information than required.

(3) Elected officials and candidates reporting under this section shall not be required to file the statements required to be filed with the secretary of state under RCW 42.21.060.

Sec. 12. Section 26, chapter 1, Laws of 1973 and RCW 42.17.260 are each amended to read as follows:

(1) Each agency, in accordance with published rules, shall make available for public inspection and copying all public records. To the extent required to prevent an unreasonable invasion of personal privacy, an agency shall delete identifying details when it makes available or publishes any public record; however, in each case, the justification for the deletion shall be explained fully in writing.

(2) Each agency shall maintain and make available for public inspection and copying a current index providing identifying information as to the following records issued, adopted, or promulgated after [June 30, 1972] *January 1, 1973*:

(a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(b) Those statements of policy and interpretations of policy, statute and the Constitution which have been adopted by the agency;

(c) Administrative staff manuals and instructions to staff that affect a member of the public;

(d) Planning policies and goals, and interim and final planning decisions;

(e) Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports or surveys, whether conducted by public employees or others; and

(f) Correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party.

(3) An agency need not maintain such an index, if to do so would be unduly burdensome, but it shall in that event:

(a) Issue and publish a formal order specifying the reasons why and the extent to which compliance would unduly burden or interfere with agency operations; and

(b) Make available for public inspection and copying all indexes maintained for agency use.

(4) A public record may be relied on, used, or cited as precedent by an agency against a party other than an agency and it may be invoked by the agency for any other purpose only if:

(a) It has been indexed in an index available to the public; or

(b) Parties affected have timely notice (actual or constructive) of the terms thereof.

(5) This chapter shall not be construed as giving authority to any agency to give, sell or provide access to lists of individuals requested for commercial purposes, and agencies shall not do so unless specifically authorized or directed by law: *PROVIDED, HOWEVER, That lists of applicants for professional licenses and of professional licensees shall be made available upon payment of a reasonable charge therefor by each professional licensing board to properly identified persons representing the membership of the profession licensed by such board or to a properly identified representative of an educational association, organization or school recognized by such licensee and such request is made for the purpose of utilizing such lists for a continuing education program or some similar legitimate purpose of the profession the list of which is requested.*

Sec. 13. Section 27, chapter 1, Laws of 1973 and RCW 42.17.270 are each amended to read as follows:

Public records shall be available to any person for inspection and copying, and agencies shall, upon request for identifiable *public* records, make them promptly available to any person. Agency facilities shall be made available to any person for the copying of public records except when and to the extent that this would unreasonably disrupt the operations of the agency. *Agencies shall honor requests received by mail for identifiable public records unless exempted by provisions of this chapter.*

Sec. 14. Section 29, chapter 1, Laws of 1973 and RCW 42.17.290 are each amended to read as follows:

Agencies shall adopt and enforce reasonable rules and regulations, consonant with the intent of this chapter to provide full public access to [official] *public* records, to protect public records from damage or disorganization, and to prevent excessive interference with other essential functions of the agency. Such rules and regulations shall provide for the fullest assistance to inquirers and the most timely possible action on requests for information. *Nothing in this section shall relieve agencies from honoring requests received by mail for copies of identifiable public records.*

Sec. 15. Section 30, chapter 1, Laws of 1973 and RCW 42.17.300 are each amended to read as follows:

No fee shall be charged for the inspection of public records. Agencies may impose a reasonable charge for providing copies of public records and for the use by any person of agency equipment to copy public records, which charges shall not exceed the amount necessary to reimburse the agency for its actual costs incident to such copying. *Such amounts may be received and expended by a state agency as part of its appropriation for the current fiscal period without any additional appropriation.*

Sec. 16. Section 31, chapter 1, Laws of 1973 and RCW 42.17.310 are each amended to read as follows:

(1) The following shall be exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, welfare recipients, prisoners, probationers or parolees.

(b) Personal information in files maintained for employees, appointees or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would violate the taxpayer's right to privacy or would result in unfair competitive disadvantage to such taxpayer.

(d) Specific intelligence information and specific investigative [files] records compiled by investigative, law enforcement and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who file complaints with investigative, law enforcement or penology agencies, except as the complainant may authorize.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(2) The exemptions of this section shall be inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption shall be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records, exempt under the provisions of this section, may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records, is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

Sec. 17. Section 32, chapter 1, Laws of 1973 and RCW 42.17.320 are each amended to read as follows:

Responses to requests for public records shall be made promptly by agencies. Denials of requests must be accompanied by a written statement of the specific reasons therefor. Agencies shall establish mechanisms for the most prompt possible review of decisions denying inspection, and such review shall be deemed completed at the end of the second business day following the denial of inspection and shall constitute final agency action for the purposes of judicial review.

Sec. 18. Section 33, chapter 1, Laws of 1973 and RCW 42.17.330 are each amended to read as follows:

The examination of any specific public record may be enjoined if, upon motion and affidavit, the superior court for the county in which the movant resides or in which

the record is maintained, finds that such examination would clearly not be in the public interest and would substantially and irreparably damage any person, or would substantially and irreparably damage vital governmental functions.

Sec. 19. Section 34, chapter 1, Laws of 1973 and RCW 42.17.340 are each amended to read as follows:

(1) Upon the motion of any person having been denied an opportunity to inspect or copy a public record by an agency, the superior court in the county in which a record is maintained may require the responsible agency to show cause why it has refused to allow inspection or copying of a specific *public* record or class of records. The burden of proof shall be on the agency to establish that refusal to permit public inspection and copying is required.

(2) Judicial review of all agency actions taken or challenged under RCW 42.17.250 through 42.17.320 shall be *de novo*. Courts shall take into account the policy of this chapter that free and open examination of public records is in the public interest, even though such examination may cause inconvenience or embarrassment to public officials or others. Courts may examine any record *in camera* in any proceeding brought under this section.

(3) Any person who prevails against an agency in any action in the courts seeking the right to inspect or copy any public record shall be awarded all costs, including reasonable attorney fees, incurred in connection with such legal action. In addition, it shall be within the discretion of the court to award such person an amount not to exceed twenty-five dollars for each day that he was denied the right to inspect or copy said public record.

NEW SECTION. Sec. 20. There is added to chapter 42.17 RCW a new section to read as follows:

Notwithstanding the provisions of RCW 42.17.260 through 42.17.340, as now or hereafter amended, no state college, university, library, or archive shall be required by chapter 42.17 RCW to make available for public inspection and copying any records or documents obtained by said college, university, library, or archive through or concerning any gift, grant, conveyance, bequest or devise, the terms of which restrict or regulate public access to such records or documents: **PROVIDED**, That this section shall not apply to any public records as defined in RCW 40.14.010.

Sec. 21. Section 35, chapter 1, Laws of 1973 and RCW 42.17.350 are each amended to read as follows:

There is hereby established a "Public Disclosure Commission" which shall be composed of five members who shall be appointed by the governor, with the consent of the senate. All appointees shall be persons of the highest integrity and qualifications. No more than three members shall have an identification with the same political party. The original members shall be appointed within sixty days after the effective date of this act. The term of each member shall be five years except that the original five members shall serve initial terms of one, two, three, four and five years, respectively, as designated by the governor. No member of the commission, during his tenure, shall (1) hold or campaign for elective office; (2) be an officer of any political party or political committee; (3) permit his name to be used, or make contributions, in support of or in opposition to any candidate or proposition; (4) participate in any way in any election campaign; or (5) lobby or employ or assist a lobbyist. No member shall be eligible for appointment to more than one full term. A vacancy on the commission shall be filled within thirty days of the vacancy by the governor, with the consent of the senate, and the appointee shall serve for the remaining term of his predecessor. A vacancy shall not impair the powers of the remaining members to exercise all of the powers of the commission. Three members of the commission shall constitute a quorum. The commission shall elect its own chairman and adopt its own rules of procedure in the manner provided in chapter 34.04 RCW. Any member of the commission may be removed by the governor, but only upon grounds of neglect of duty or misconduct in office.

[Members] *Each member shall [serve without compensation, but] receive per diem in the amount of forty dollars in lieu of expenses for each day or portion thereof spent in performance of his duties as a member of the commission, and in addition shall*

be reimbursed for [necessary traveling and lodging] *travel* expenses actually incurred while engaged in the business of the commission as provided in chapter 43.03 RCW. *The compensation provided pursuant to this section shall not be considered salary for purposes of the provisions of any retirement system created pursuant to the general laws of this state.*

Nothing in this section shall prohibit the commission, or any of its members or staff on the authority of the commission, from responding to communications from the legislature or any of its members or from any state agency or from appearing and testifying at an open public meeting (as defined by RCW 42.30.030) or hearing to adopt rules pursuant to RCW 34.04.025 on matters directly affecting the exercise of their duties and powers under this chapter.

Sec. 22. Section 36, chapter 1, Laws of 1973 (Initiative Measure 276, Section 36) and RCW 42.17.360 are each amended to read as follows:

The commission shall:

- (1) Develop and provide forms for the reports and statements required to be made under this chapter;
- (2) Prepare and publish a manual setting forth recommended uniform methods of bookkeeping and reporting for use by persons required to make reports and statements under this chapter;
- (3) Compile and maintain a current list of all filed reports and statements;
- (4) Investigate whether properly completed statements and reports have been filed within the times required by this chapter;
- (5) Upon complaint or upon its own motion, investigate and report apparent violations of this chapter to the appropriate law enforcement authorities: *PROVIDED, That upon a finding by the commission that probable cause exists to believe that any party has committed an apparent violation of this chapter, said party shall be entitled to a hearing, and proceedings following the finding of probable cause shall be conducted pursuant to the provisions of chapter 34.04 RCW relating to contested cases;*
- (6) Prepare and publish an annual report to the governor as to the effectiveness of this chapter and its enforcement by appropriate law enforcement authorities; and
- (7) Enforce this chapter according to the powers granted it by law.

Sec. 23. Section 37, chapter 1, Laws of 1973 and RCW 42.17.370 are each amended to read as follows:

The commission is empowered to:

- (1) Adopt, promulgate, amend and rescind suitable administrative rules and regulations to carry out the policies and purposes of this chapter;
- (2) Prepare and publish such reports and technical studies as in its judgment will tend to promote the purposes of this chapter, including reports and statistics concerning campaign financing, lobbying, financial interests of elected officials, and enforcement of this chapter;
- (3) Make from time to time, on its own motion, audits and field investigations;
- (4) Make public the fact that an alleged or apparent violation has occurred and the nature thereof;
- (5) Administer oaths and affirmations, [subpoena witnesses] *issue subpoenas*, [compel their attendance] *and compel attendance*, take evidence and require the production of any books, papers, correspondence, memorandums or other records which the commission deems relevant or material for the purpose of any investigation authorized under this chapter, or any other proceeding under this chapter;
- (6) Adopt and promulgate a code of fair campaign practices;
- (7) Relieve, by published regulation of general applicability, candidates or political committees of obligations to comply with the provisions of this chapter relating to election campaigns, if they have not received contributions nor made expenditures in connection with any election campaign of more than one thousand dollars; and
- (8) Enact regulations prescribing reasonable requirements for keeping accounts of and reporting on a quarterly basis costs incurred by state agencies, counties, cities and other municipalities and political subdivisions in preparing, publishing and distributing legislative information. The term "legislative information", for the purposes of

this subsection, means books, pamphlets, reports and other materials prepared, published or distributed at substantial cost, a substantial purpose of which is to influence the passage or defeat of any legislation. The state auditor in his regular examination of each agency under chapter 43.09 RCW shall review such regulations, accounts and reports and make appropriate findings, comments and recommendations in his examination reports concerning those agencies.

(9) The commission, after hearing, by order may suspend or modify any of the reporting requirements hereunder in a particular case if it finds that literal application of this chapter works a manifestly unreasonable hardship and if it also finds that such suspension or modification will not frustrate the purposes of the chapter. Any such suspension or modification shall be only to the extent necessary to substantially relieve the hardship. The commission shall act to suspend or modify any reporting requirements only if it determines that facts exist that are clear and convincing proof of the findings required hereunder. Any citizen shall have standing to bring an action in Thurston county superior court to contest the propriety of any order entered hereunder within one year from the date of the entry of such order.

(10) *All rules and regulations promulgated under this chapter shall be promulgated pursuant to the provisions of chapter 34.04 RCW.*

Sec. 24. Section 38, chapter 1, Laws of 1973 and RCW 42.17.380 are each amended to read as follows:

(1) The secretary of state, through his office, shall perform such ministerial functions as may be necessary to enable the commission to carry out its responsibilities under this chapter. The office of the secretary of state shall be designated as the place where the public may file papers or correspond with the commission and receive any form or instruction from the commission.

(2) The attorney general, through his office, shall supply such assistance as the commission may require in order to carry out its responsibilities under this chapter. The commission may employ attorneys who are neither the attorney general nor an assistant attorney general to carry out any function of the attorney general prescribed in this [section] chapter.

NEW SECTION. Sec. 25. This 1975 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

In line 1 of the title, after "government;" strike the remainder of the title and insert "amending section 2, chapter 1, Laws of 1973 and RCW 42.17.020; amending section 6, chapter 1, Laws of 1973 and RCW 42.17.060; amending section 8, chapter 1, Laws of 1973 and RCW 42.17.080; amending section 9, chapter 1, Laws of 1973 and RCW 42.17.090; amending section 12, chapter 1, Laws of 1973 and RCW 42.17.120; amending section 16, chapter 1, Laws of 1973 and RCW 42.17.160; amending section 17, chapter 1, Laws of 1973 and RCW 42.17.170; amending section 18, chapter 1, Laws of 1973 and RCW 42.16.180; amending section 19, chapter 1, Laws of 1973 and RCW 42.17.190; amending section 24, chapter 1, Laws of 1973 and RCW 42.17.240; amending section 26, chapter 1, Laws of 1973 and RCW 42.17.260; amending section 27, chapter 1, Laws of 1973 and RCW 42.17.270; amending section 29, chapter 1, Laws of 1973 and RCW 42.17.290; amending section 30, chapter 1, Laws of 1973 and RCW 42.17.300; amending section 31, chapter 1, Laws of 1973 and RCW 42.17.310; amending section 32, chapter 1, Laws of 1973 and RCW 42.17.320; amending section 33, chapter 1, Laws of 1973 and RCW 42.17.330; amending section 34, chapter 1, Laws of 1973 and RCW 42.17.340; amending section 35, chapter 1, Laws of 1973 and RCW 42.17.350; amending section 36, chapter 1, Laws of 1973 and RCW 42.17.360; amending section 37, chapter 1, Laws of 1973 and RCW 42.17.370; amending section 38, chapter 1, Laws of 1973 and RCW 42.17.380; adding new sections to chapter 42.17 RCW; and declaring an emergency."

Signed by: Senators Beck, Chairman; Grant, Lewis (R. H. "Bob"), Pullen, Stortini, Washington.

The bill was read the second time by sections.

On motion of Senator Beck, the committee amendments were not adopted.

Senator Grant moved adoption of the following amendment by Senators Mardesch and Grant:

Strike all material after the enacting clause and insert the following:

"Section 1. Section 1, chapter 1, Laws of 1973 and RCW 42.17.010 are each amended to read as follows:

It is hereby declared by the sovereign people to be the public policy of the state of Washington:

(1) That political campaign and lobbying contributions and expenditures be fully disclosed to the public and that secrecy is to be avoided.

(2) That the people have the right to expect from their elected representatives at all levels of government the utmost of integrity, honesty and fairness in their dealings.

(3) That the people shall be assured that the private financial dealings of their public officials, and of candidates for those offices, present no conflict of interest between the public trust and private interest.

(4) That our representative form of government is founded on a belief that those entrusted with the offices of government have nothing to fear from full public disclosure of their financial and business holdings, provided those officials deal honestly and fairly with the people.

(5) That public confidence in government at all levels is essential and must be promoted by all possible means.

(6) That public confidence in government at all levels can best be sustained by assuring the people of the impartiality and honesty of the officials in all public transactions and decisions:

(7) That the concept of attempting to increase financial participation of individual contributors in political campaigns is encouraged by the passage of the Revenue Act of 1971 by the Congress of the United States, and in consequence thereof, it is desirable to have implementing legislation at the state level.

(8) That the concepts of disclosure and limitation of election campaign financing are established by the passage of the Federal Election Campaign Act of 1971 by the Congress of the United States, and in consequence thereof it is desirable to have implementing legislation at the state level.

(9) That small contributions by individual contributors are to be encouraged, and that not requiring the reporting of small contributions may tend to encourage such contributions.

(10) That the public's right to know of the financing of political campaigns and lobbying and the financial affairs of elected officials and candidates far outweighs any right that these matters remain secret and private.

(11) That, mindful of the right of individuals to privacy and of the desirability of the efficient administration of government, full access to information concerning the conduct of government on every level must be assured as a fundamental and necessary precondition to the sound governance of a free society.

The provisions of this chapter shall be liberally construed to promote complete disclosure of all information respecting the financing of political campaigns and lobbying, and the financial affairs of elected officials and candidates, and full access to public records so as to assure continuing public confidence of fairness of elections and governmental processes, and so as to assure that the public interest will be fully protected. *In promoting such complete disclosure, however, this chapter shall be enforced so as to insure that the information disclosed will not be misused for arbitrary and capricious purposes and to insure that all persons reporting under this chapter will be protected from harassment and unfounded allegations based on information they have freely disclosed.*

Sec. 2. Section 2, chapter 1, Laws of 1973 and RCW 42.17.020 are each amended to read as follows:

(1) "Agency" includes all state agencies and all local agencies. "State agency" includes every state office, public official, department, division, bureau, board, commission, or other state agency. "Local agency" includes every county, city, city and county,

school district, municipal corporation, district, political subdivision, or any board, commission, or agency thereof, or other local public agency.

(2) "Ballot proposition" means any "measure" as defined by RCW 29.01.110, or any initiative, recall, or referendum proposition proposed to be submitted to the voters of [any specific] *the state or any municipal corporation, political subdivision or other voting constituency [which] from and after the time when such proposition has been initially filed with the appropriate election officer of that constituency prior to its circulation for signatures.*

(3) "Campaign depository" means a bank designated by a candidate or political committee pursuant to RCW 42.17.050.

(4) "Campaign treasurer" and "deputy campaign treasurer" mean the individuals appointed by a candidate or political committee, pursuant to RCW 42.17.050, to perform the duties specified in that section.

(5) "Candidate" means any individual who seeks election to public office. An individual shall be deemed to seek election when he first:

(a) Receives contributions or makes expenditures or reserves space or facilities with intent to promote his candidacy for office; or

(b) Announces publicly or files for office.

(6) "Commercial advertiser" means any person who sells the service of communicating messages or producing printed material for broadcast or distribution to the general public or segments of the general public whether through the use of newspapers, magazines, television and radio stations, billboard companies, direct mail advertising companies, printing companies, or otherwise.

(7) "Commission" means the agency established under RCW 42.17.350.

(8) "Compensation" *unless the context requires a narrower meaning, includes payment in any form for real or personal property or services of any kind: PROVIDED, That for the purpose of compliance with RCW 42.17.240, as now or hereafter amended, the term "compensation" shall not include per diem allowances or other payments made by a governmental entity to reimburse a public official for expenses incurred while such official is engaged in the official business of such governmental entity.*

(9) "Continuing political committee" means a political committee which is an organization of continuing existence not established in anticipation of any particular election.

(10) "Contribution" includes a loan, gift, deposit, subscription, forgiveness of indebtedness, donation, advance, pledge, payment, transfer of funds between political committees, or transfer of anything of value, including personal and professional services for less than full consideration, but does not include *interest on moneys deposited in a political committee's account*, ordinary home hospitality and the rendering of "part time" personal services of the sort commonly performed by volunteer campaign workers or incidental expenses *personally incurred by volunteer campaign workers* not in excess of twenty-five dollars personally paid for by [any volunteer campaign] *such worker*. "Part time" services, for the purposes of this chapter, means services in addition to regular full time employment, or, in the case of an unemployed person, services not in excess of twenty hours per week, excluding weekends. For the purposes of this chapter, contributions other than money or its equivalents shall be deemed to have a money value equivalent to the fair market value of the contribution. Sums paid for tickets to fund-raising events such as dinners and parties are contributions; however, the amount of any such contribution may be reduced for the purpose of complying with the reporting requirements of this chapter, by the actual cost of consumables furnished in connection with the purchase of such tickets, and only the excess over actual cost of such consumables shall be deemed a contribution.

[(9)] (11) "Elected official" means any person elected at a general or special election to any public office, and any person appointed to fill a vacancy in any such office.

[(10)] (12) "Election" includes any primary, general or special election for public office and any election in which a ballot proposition is submitted to the voters: *PROVIDED, That an election in which the qualifications for voting include other than those requirements set forth in Article VI, section 1 (Amendment 63) of the Constitution of*

the state of Washington shall not be considered an election for purposes of this chapter.

[(11)] (13) "Election campaign" means any campaign in support of or in opposition to a candidate for election to public office and any campaign in support of, or in opposition to, a ballot proposition.

[(12)] (14) "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. The term "expenditure" also includes a promise to pay, a payment or a transfer of anything of value in exchange for goods, services, property, facilities, or anything of value for the purpose of assisting, benefiting, or honoring any public official or candidate, or assisting in furthering or opposing any election campaign. *For the purposes of this chapter, agreements to make expenditures, contracts, and promises to pay may be reported as estimated obligations until actual payment is made. The term "expenditure" shall not include the partial or complete repayment by a candidate or political committee of the principal of a loan, the receipt of which loan has been properly reported, or payment of service charges against a political committee's campaign account.*

[(13)] (15) "Final report" means the report described as a final report in RCW 42.17.080(2).

[(14)] (16) "Immediate family" includes the spouse [and children living in the household and other relatives living in the household], *dependent children, and other dependent relatives, if living in the household.*

[(15)] (17) "Legislation" means bills, resolutions, motions, amendments, nominations, and other matters pending or proposed in either house of the state legislature, and includes any other matter which may be the subject of action by either house, or any committee of the legislature and all bills and resolutions which having passed both houses, are pending approval by the governor.

[(16)] (18) "Lobby" and "lobbying" each mean attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, or the adoption or rejection of any rule, standards, rate, or other legislative enactment of any state agency under the state Administrative Procedure Acts, chapter 34.04 RCW and chapter 28B.19 RCW.

[(17)] (19) "Lobbyist" includes any person who shall lobby either in his own or another's behalf.

[(18)] (20) "Lobbyist's employer" means the person or persons by whom a lobbyist is employed and all persons by whom he is compensated for acting as a lobbyist.

[(19)] (21) "Person" includes an individual, partnership, joint venture, public or private corporation, association, federal, state or local governmental entity or agency however constituted, candidate, committee, political committee, political party, executive committee thereof, or any other organization or group of persons, however organized.

[(20)] (22) "Person in interest" means the person who is the subject of a record or any representative designated by said person, except that if such person be under a legal disability, the term "person in interest" shall mean and include the parent or duly appointed legal representative.

[(21)] (23) "Political advertising" includes any advertising displays, newspaper ads, billboards, signs, brochures, articles, tabloids, flyers, letters, radio or television presentations or other means of mass communication, used for the purpose of appealing, directly or indirectly, for votes or for financial or other support in any election campaign.

[(22)] (24) "Political committee" means any person (except a candidate or an individual dealing with his own funds or property) having the expectation of receiving contributions or making expenditures in support of, or opposition to, any candidate or any ballot proposition.

[(23)] (25) "Public office" means any federal, state, county, city, town, school district, port district, special district, or other state political subdivision elective office.

[(24)] (26) "Public record" includes any writing containing information relating

to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.

[(25)] (27) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums, and other documents.

As used in this chapter, the singular shall take the plural and any gender, the other, as the context requires.

Sec. 3. Section 4, chapter 1, Laws of 1973 and RCW 42.17.040 are each amended to read as follows:

(1) Every political committee, within ten days after its organization or, within ten days after the date when it first has the expectation of receiving contributions or making expenditures in any election campaign, whichever is earlier, shall file a statement of organization with the commission and with the county auditor of the county in which the candidate resides (or in the case of a political committee supporting or opposing a ballot proposition, the county in which the campaign treasurer resides). Each political committee in existence on the effective date of this act shall file a statement of organization with the commission within ninety days after such effective date.

(2) The statement of organization shall include but not be limited to:

- (a) The name and address of the committee;
- (b) The names and addresses of all related or affiliated committees or other persons, and the nature of the relationship or affiliation;
- (c) The names, addresses, and titles of its officers; or if it has no officers, the names, addresses and titles of its responsible leaders;
- (d) The name and address of its campaign treasurer and campaign depository;
- (e) A statement whether the committee is a continuing one;
- (f) The name, office sought, and party affiliation of each candidate whom the committee is supporting or opposing, and, if the committee is supporting the entire ticket of any party, the name of the party;
- (g) The ballot proposition concerned, if any, and whether the committee is in favor of or opposed to such proposition;
- (h) What distribution of surplus funds will be made in the event of dissolution;

[and]

(i) *The hours during which the committee will make available for public inspection its books of account and all reports filed in accordance with section 5 of this 1975 amendatory act and RCW 42.17.080, as now or hereafter amended; and*

(j) Such other information as the commission may by regulation prescribe, in keeping with the policies and purposes of this chapter.

(3) Any material change in information previously submitted in a statement of organization shall be reported to the commission and to the appropriate county auditor within the ten days following the change.

Sec. 4. Section 6, chapter 1, Laws of 1973 and RCW 42.17.060 are each amended to read as follows:

(1) All monetary contributions received by a candidate or political committee shall be deposited by the campaign treasurer or deputy treasurer in a campaign depository in an account designated, "Campaign Fund of" (name of candidate or political committee).

(2) All deposits made by a campaign treasurer or deputy campaign treasurer shall be accompanied by a statement containing the name of each person contributing the funds so deposited and the amount contributed by each person; PROVIDED, That contributions not exceeding [five] *ten* dollars from any one person may be deposited without identifying the contributor. The statement shall be in triplicate, upon a form prescribed by the commission, one copy to be retained by the campaign depository for its records *for the minimum term of three years*, one copy to be filed by the campaign treasurer with the commission, and one copy to be retained by the campaign treasurer

for his records. In the event of deposits made by a deputy campaign treasurer, the third copy shall be forwarded to the campaign treasurer to be retained by him for his records. Each statement shall be certified as correct by the campaign treasurer or deputy campaign treasurer making the deposit.

(3) [(a) Accumulated anonymous contributions in excess of one dollar from any individual contributor, and

(b)] *Political committees which support or oppose more than one candidate or ballot proposition, or exist for more than one purpose, may maintain multiple separate bank accounts within the same designated depository for such purpose: PROVIDED, Each such account shall bear the same name followed by an appropriate designation which accurately identifies its separate purpose: AND PROVIDED FURTHER, That transfers of funds which must be reported under RCW 42.17.090(1)(d), as now or hereafter amended, may not be made from more than one such account.*

(4) *Accumulated [anonymous] unidentified contributions, other than those made by persons whose names must be maintained on a separate and private list by a political committee's campaign treasurer pursuant to RCW 42.17.090(1)(b), which total in excess of one percent of the total accumulated contributions received [to date] in the current calendar year or three hundred dollars (whichever is [less] more); shall not be deposited, used or expended, but shall be returned to the donor, if his identity can be ascertained. If the donor cannot be ascertained; the contribution shall escheat to the state, and shall be paid to the state treasurer for deposit in the state general fund.*

NEW SECTION. Sec. 5. There is added to chapter 42.17 RCW a new section to read as follows:

(1) *In addition to the provisions of this section, a continuing political committee shall file and report on the same conditions and at the same times as any other committee in accordance with the provisions of RCW 42.17.040, 42.17.050, and 42.17.060.*

(2) *A continuing political committee shall file with the commission and the auditor of the county in which the committee treasurer resides a quarterly report on or before the thirtieth day after the end of each calendar quarter detailing its activities for the preceding calendar quarter and, in addition, a monthly report on the tenth day of each month detailing its activities for the preceding calendar month: PROVIDED, That it shall not be necessary to file any such monthly report for any month during which the committee received no contribution and made no expenditure. Such reports shall be on a form supplied by the commission and shall include the following information:*

(a) The information required by RCW 42.17.090;

(b) Each expenditure made to retire previously accumulated debts of the committee; identified by recipient, amount, and date of payments;

(c) Such other information as the commission shall by rule prescribe.

(3) *If a continuing political committee shall make a contribution in support of or in opposition to a candidate or ballot proposition within sixty days prior to the date on which such candidate or ballot proposition will be voted upon, such continuing political committee shall report pursuant to RCW 42.17.080, as now or hereafter amended, until twenty-one days after said election.*

(4) *A continuing political committee shall file reports as required by this chapter until it is dissolved, at which time a final report shall be filed. Upon submitting a final report, the duties of the campaign treasurer shall cease and there shall be no obligation to make any further reports.*

(5) *The campaign treasurer shall maintain books of account in accordance with generally accepted accounting principles reflecting all contributions and expenditures on a current basis within three business days of receipt or expenditure. During the eight days immediately preceding the date of any election, for which the committee has received any contributions or made any expenditures, the books of account shall be kept current within one business day and shall be open for public inspection for at least two consecutive hours each day between 8:00 a.m. and 8:00 p.m., as specified in the committee's statement of organization filed pursuant to RCW 42.17.040 as now or hereafter amended, at the principal campaign headquarters or, if there is no campaign headquarters, at the address of the campaign treasurer.*

(6) All reports filed pursuant to this section shall be certified as correct by the campaign treasurer.

(7) Copies of all reports filed pursuant to this section shall be readily available for public inspection for at least two consecutive hours each day between 8:00 a.m. and 8:00 p.m., as specified in the committee's statement of organization filed pursuant to RCW 42.17.040 as now or hereafter amended, at the principal campaign headquarters or, if there is no campaign headquarters, at the address of the campaign treasurer.

Sec. 6. Section 8, chapter 1, Laws of 1973 and RCW 42.17.080 are each amended to read as follows:

(1) On the day the campaign treasurer is designated, each candidate or political committee shall file with the commission and the county auditor of the county in which the candidate resides (or in the case of a political committee supporting or opposing a ballot proposition, the county in which the campaign treasurer resides), in addition to any statement of organization required under RCW 42.17.040, a report of all contributions received and expenditures made in the election campaign prior to that date[: PROVIDED, That if the political committee is an organization of continuing existence not established in anticipation of any particular election the campaign treasurer shall report, at the times required by this chapter, and at such other times as are designated by the commission, all contributions received and expenditures made since the date of his or his predecessor's last report. In addition to any statement of organization required under RCW 42.17.040, the initial report of the campaign treasurer of such a political committee in existence at the time this chapter becomes effective need include only:

(a) The funds on hand at the time of the report, and

(b) Such other information as shall be required by the commission by regulation in conformance with the policies and purposes of this chapter].

(2) At the following intervals each campaign treasurer shall file with the commission and the county auditor of the county in which the candidate resides (or in the case of a political committee supporting or opposing a ballot proposition the county in which the campaign treasurer resides) a further report of the contributions received and expenditures made since the date of the last report:

(a) On the fifth and nineteenth days immediately preceding the date on which the election is held; and

(b) Within ten days after the date of a primary election, and within twenty-one days after the date of all other elections; and

(c) *On or before the thirtieth day after the end of each calendar quarter preceding the election in which no other reports are required to be filed under this section other than those required to be filed by subsection (d) below, as now or hereafter amended; and*

(d) *On the tenth day of each month preceding the election in which no other reports are required to be filed under this section: PROVIDED, That it shall not be necessary to file any such monthly report for any month during which the committee received no contribution and made no expenditure.*

The report filed under paragraph (b) above shall be the final report if there is no outstanding debt or obligation, and the campaign fund is closed, and the campaign is concluded in all respects, and if in the case of a political committee, the committee has ceased to function and has dissolved. If the candidate or political committee has any outstanding debt or obligation, additional reports shall be filed at least once every six months until the obligation or indebtedness is entirely satisfied at which time a final report shall be filed. [A continuing political committee shall file reports as required by this chapter until it is dissolved, at which time a final report shall be filed.] Upon submitting a final report, the duties of the campaign treasurer shall cease and there shall be no obligation to make any further reports.

(3) The campaign treasurer shall maintain books of account in accordance with generally accepted accounting principles reflecting all contributions and expenditures on a current basis within three business days of receipt or expenditure. During the eight days immediately preceding the date of the election the books of account shall be kept current within one business day and shall be open for public inspection [during normal

business hours] for at least two consecutive hours each day between 8:00 a.m. and 8:00 p.m., as specified in the committee's statement of organization filed pursuant to RCW 42.17.040 as now or hereafter amended, at the principal campaign headquarters or, if there is no campaign headquarters, at the address of the campaign treasurer.

(4) All reports filed pursuant to this section shall be certified as correct by the candidate and the campaign treasurer.

(5) Copies of all reports filed pursuant to this section shall be readily available for public inspection for at least two consecutive hours each day between 8:00 a.m. and 8:00 p.m., as specified in the committee's statement of organization filed pursuant to RCW 42.17.040 as now or hereafter amended, at the principal campaign headquarters or, if there is no campaign headquarters, at the address of the campaign treasurer.

Sec. 7. Section 9, chapter 1, Laws of 1973 and RCW 42.17.090 are each amended to read as follows:

(1) Each report required under RCW 42.17.080 shall disclose for the period beginning at the end of the period for the last report or, in the case of an initial report, at the time of the first contribution or expenditure, and ending not more than three days prior to the date the report is due:

(a) The funds on hand at the beginning of the period;

(b) The name and address of each person who has made one or more contributions during the period, together with the money value and date of such contributions and the aggregate value of all contributions received from each such person during the preceding twelve-month period: PROVIDED, That contributions not exceed [five] *ten* dollars in aggregate from any one person during the election campaign may be reported as lump sum so long as the campaign treasurer maintains a separate and private list of the names, addresses, and amounts of each such contributor;

(c) Each loan, promissory note, or security instrument to be used by or for the benefit of the candidate or political committee made by any person, together with the names and addresses of the lender and each person liable directly, indirectly or contingently and the date and amount of each such loan, promissory note, or security instrument;

(d) The name and address of each political committee from which the reporting committee or candidate received, or to which that committee or candidate made, any transfer of funds, together with the amounts, dates and purpose of all such transfers;

(e) All other contributions not otherwise listed or exempted;

(f) The name and address of each person to whom an expenditure was made in the aggregate amount of twenty-five dollars or more, and the amount, date and purpose of each such expenditure;

(g) The total sum of expenditures;

(h) The surplus or deficit of contributions over expenditures;

(i) The disposition made of any surplus of contributions over expenditures;

(j) Such other information as shall be required by the commission by regulation in conformance with the policies and purposes of this chapter; and

(k) Funds received from a political committee not domiciled in Washington state and not otherwise required to report under this chapter (a "nonreporting committee"). Such funds shall be forfeited to the state of Washington unless the nonreporting committee or the recipient of such funds has filed or within three days following such receipt shall file with the commission a statement disclosing: (i) its name and address; (ii) the purpose of the nonreporting committee; (iii) the names, addresses, and titles of its officers or if it has no officers, the names, addresses, and titles of its responsible leaders; (iv) a statement whether the nonreporting committee is a continuing one; (v) the name, office sought, and party affiliation of each candidate in the state of Washington whom the nonreporting committee is supporting, and, if such committee is supporting the entire ticket of any party, the name of the party; (vi) the ballot proposition supported or opposed in the state of Washington, if any, and whether such committee is in favor of or opposed to such proposition; (vii) the name and address of each person residing in the state of Washington or corporation which has a place of business in the state of Washington who has made one or more contributions to the nonreporting committee during

the preceding twelve-month period, together with the money value and date of such contributions; (viii) the name and address of each person in the state of Washington to whom an expenditure was made by the nonreporting committee on behalf of a candidate or political committee in the aggregate amount of twenty-five dollars or more, the amount, date, and purpose of such expenditure, and the total sum of such expenditures; (ix) such other information as the commission may by regulation prescribe, in keeping with the policies and purposes of this chapter.

(2) The campaign treasurer and the candidate shall certify the correctness of each report.

Sec. 8. Section 12, chapter 1, Laws of 1973 and RCW 42.17.120 are each amended to read as follows:

No contribution shall be made and no expenditure shall be incurred, directly or indirectly, in fictitious name, anonymously, or by no person through an agent, relative, or other person in such a manner as to conceal the identity of the source of the contribution or in any other manner so as to effect concealment.

Sec. 9. Section 16, chapter 1, Laws of 1973 and RCW 42.17.160 are each amended to read as follows:

The following persons and activities shall be exempt from registration and reporting under RCW 42.17.150, 42.17.170, 42.17.190, and 42.17.200:

(1) Persons who limit their lobbying activities to appearance before public sessions of committees of the legislature, or public hearings of state agencies.

(2) News or feature reporting activities and editorial comment by working members of the press, radio, or television and the publication or dissemination thereof by a newspaper, book publisher, regularly published periodical, radio station, or television station.

(3) [Lobbying] *Persons who lobby without compensation or other consideration for acting as a lobbyist: PROVIDED, Such person makes no expenditure for or on behalf of any member of the legislature or elected official or public officer or employee of the state of Washington in connection with such lobbying. Any person exempt under this subsection (3) may at his option register and report under this chapter.*

(4) *Persons who restrict their lobbying activities to no more than four days or parts thereof during any three-month period and whose total expenditures during such three-month period for or on behalf of any one or more members of the legislature or state elected officials or public officers or employees of the state of Washington in connection with such lobbying do not exceed fifteen dollars: PROVIDED, That the commission shall promulgate regulations to require disclosure by persons exempt under this subsection or their employers or entities which sponsor or coordinate the lobbying activities of such persons if it determines that such regulations are necessary to prevent frustration of the purposes of this chapter. Any person exempt under this subsection (4) may at his option register and report under this chapter.*

[(4)] (5) The governor.

[(5)] (6) The lieutenant governor.

[(6)] (7) Except as provided by RCW 42.17.190(1), members of the legislature.

[(7)] (8) Except as provided by RCW 42.17.190(1), persons employed by the legislature for the purpose of aiding in the preparation [and] or enactment of legislation or the performance of legislative duties.

[(8)] (9) Except as provided by RCW 42.17.190 elected state officers, state officers appointed by the governor subject to confirmation by the senate, and employees of any state agency.

Sec. 10. Section 17, chapter 1, Laws of 1973 and RCW 42.17.170 are each amended to read as follows:

(1) Any lobbyist registered under RCW 42.17.150 and any person who lobbies shall file with the commission periodic reports of his activities signed by both the lobbyist and the lobbyist's employers. The reports shall be made in the form and manner prescribed by the commission. They shall be due quarterly and shall be filed within thirty days after the end of the calendar quarter covered by the report. In addition to the quarterly reports, while the legislature is in session, any lobbyist who lobbies with re-

spect to any legislation shall file interim weekly periodic reports for each week that the legislature is in session, which reports need be signed only by the lobbyist and which shall be filed on each Tuesday for the activities of the week ending on the preceding Saturday: *PROVIDED, That it shall not be necessary to file any such interim weekly periodic reports for any week during which no expenditure reportable under subsection (2) hereof was made by the reporting person.*

(2) Each such quarterly and weekly periodic report shall contain:

(a) The totals of all expenditures made or incurred by such lobbyist or on behalf of such lobbyist by the lobbyist's employer during the period covered by the report, which totals shall be segregated according to financial category, including food and refreshments; living accommodations; advertising; travel; telephone; contributions; office expenses, including rent and the salaries and wages paid for staff and secretarial assistance, or the proportionate amount thereof, paid or incurred for lobbying activities; and other expenses or services: *PROVIDED, HOWEVER, That unreimbursed personal living and travel expenses of a lobbyist not incurred directly or indirectly for any lobbying purpose need not be reported: AND PROVIDED FURTHER, That the interim weekly reports of legislative lobbyists for the legislative session need show only the expenditures for food and refreshments; living accommodations; travel; contributions; and such other categories as the commission shall prescribe by rule. Each individual expenditure of more than fifteen dollars for entertainment shall be identified by date, place, amount, and the names of all persons in the group partaking in or of such entertainment including any portion thereof attributable to the lobbyist's participation therein but without allocating any portion of such expenditure to individual participants.*

(b) In the case of a lobbyist employed by more than one employer, the proportionate amount of such expenditures in each category incurred on behalf of each of his employers.

(c) An itemized listing of each such expenditure in the nature of a contribution of money or of tangible or intangible personal property to any legislator, or for or on behalf of any legislator. All contributions made to, or for the benefit of, any legislator shall be identified by date, amount, and the name of the legislator receiving, or to be benefited by each such contribution.

(d) The subject matter of proposed legislation or rulemaking; the proposed rules, standards, rates, or other legislative enactments; under chapter 34.04 RCW and chapter 28B.19 RCW (the state Administrative Procedure Acts) and the state agency considering the same; and the number of each senate or house bill, resolution, or other legislative activity which the lobbyist has been engaged in supporting or opposing during the reporting period: *PROVIDED, That in the case of appropriations bills the lobbyist shall enumerate the specific section or sections which he supported or opposed.*

Sec. 11. Section 18, chapter 1, Laws of 1973 and RCW 42.17.180 are each amended to read as follows:

Every employer of a lobbyist registered under this chapter *during the preceding calendar year* shall file with the commission on or before [January] March 31st of each year a statement disclosing for the preceding [twelve months] *calendar year* the following information:

(1) The name of each *state* elected official [,] *and the name of each candidate* [, or] *for state office who was elected to such office and any member of [his] the immediate family of such persons to whom such employer has paid any compensation in the amount of five hundred dollars or more during the preceding calendar year for personal employment or professional services, including professional services rendered by a corporation, partnership, joint venture, association, union, or other entity in which such person holds any office, directorship, or any general partnership interest, or an ownership interest of ten percent or more, the value of such compensation in accordance with the reporting provisions set out in RCW 42.17.240(2), as now or hereafter amended, and the consideration given or performed in exchange for such compensation.*

(2) The name of [any corporation, partnership, joint venture, association, union or other entity of which any elected official, candidate, or any member of his immediate

family is a member, officer, partner, director, associate or employee and to which the employer has paid compensation, the value of such compensation and the consideration given or performed in exchange for such compensation.] *each state elected official, successful candidate for state office or members of his immediate family to whom the lobbyist employer made expenditures, directly or indirectly, either through a lobbyist or otherwise, the amount of such expenditures and the purpose for such expenditures: PROVIDED, That, for the purposes of this subsection, the term expenditure shall not include any expenditure made by the employer in the ordinary course of business if such expenditure is not made for the purpose of influencing, honoring, or benefiting such elected official, successful candidate or member of his immediate family, as an elected official or candidate.*

(3) *The total expenditures made by the employer for lobbying purposes, whether through or on behalf of a registered lobbyist or otherwise.*

(4) *All contributions made to a candidate for state office, to a political committee supporting or opposing a candidate for state office, or to a political committee supporting or opposing a statewide ballot proposition. Such contributions shall be identified by the name and the address of the recipient and the aggregate amount contributed to each such recipient.*

(5) *The name and address of each registered lobbyist employed by such employer.*

(6) *Such other information as the commission shall by rule prescribe.*

Sec. 12. Section 19, chapter 1, Laws of 1973 and RCW 42.17.190 are each amended to read as follows:

(1) *Every legislator and every committee of the legislature shall file with the commission quarterly reports listing the names, addresses, and salaries of all persons employed by the person or committee making the filing for the purpose of aiding in the preparation [and] or enactment of legislation or the performance of legislative duties of such legislator or committee during the preceding quarter. The reports shall be made in the form and the manner prescribed by the commission and shall be filed between the first and tenth days of each calendar quarter: PROVIDED, That the information required by this subsection may be supplied, insofar as it is available, by the chief clerk of the house of representatives or by the secretary of the senate on a form prepared by the commission.*

(2) *Unless expressly authorized by law, no state funds shall be used directly or indirectly for lobbying: PROVIDED, This shall not prevent state officers or employees from communicating with a member of the legislature on the request of that member; or communicating to the legislature, through the proper official channels, requests for legislative action or appropriations which are deemed necessary for the efficient conduct of the public business or actually made in the proper performance of their official duties: PROVIDED FURTHER, That this subsection shall not apply to the legislative branch.*

(3) *Each state agency which expends state funds for lobbying pursuant to an express authorization by law or whose officers or employees communicate on legislation directly affecting the agency to members of the legislature on request of any member or communicate to the legislature requests for legislation [or appropriations] shall file with the commission quarterly statements providing the following information for the quarter just completed:*

(a) *The name of the agency filing the statement;*

(b) *The name, title, and job description and salary of each employee engaged in such legislative activity, a general description of the nature of his legislative activities, and the proportionate amount of his time spent on such activities [;*

(c) *In the case of any communications to a member of the legislature in response to a request from the member, the name of the member making the request and the nature and subject of the request].*

The statements shall be in the form and the manner prescribed by the commission and shall be filed within thirty days after the end of the quarter covered by the report.

(4) *The provisions of this section shall not relieve any state officer or any employee of a state agency from complying with other provisions of this chapter, if such officer or employee is not otherwise exempted.*

Sec. 13. Section 24, chapter 1, Laws of 1973 and RCW 42.17.240 are each amended to read as follows:

(1) Every elected official (except president, vice president, and precinct committeemen) shall [on or] *after January 1st and before January 31st of each year[,]*; and every candidate, *and every person appointed to fill a vacancy in an elective office (except for the offices of president, vice president, and precinct committeeman) shall, within two weeks of becoming a candidate, or being appointed to such elective office,* file with the commission a written statement sworn as to its truth and accuracy stating for himself and *all members of his immediate family, for the preceding twelve months:*

(a) Occupation, name of employer, and business address; and

(b) Each [direct financial interest in excess of five thousand dollars in a] bank or savings account or [cash surrender value of any] insurance policy *in which any such person or persons owned a direct financial interest which exceeded five thousand dollars at any time during such period; each other item of intangible personal property in which any such person or persons owned a direct financial interest [in excess of], the value of which exceeded five hundred dollars during such period; and the name, address, nature of entity, nature and highest value of each such direct financial interest during the reporting period; and*

(c) The name and address of each creditor to whom the value of five hundred dollars or more was owed; the original amount of each debt to each such creditor; the amount of each debt owed to each creditor as of the date of filing; the terms of repayment of each such debt; and the security given, if any, for each such debt: **PROVIDED,** That debts arising out of a "retail installment transaction" as defined in chapter 63.14 RCW (Retail Installment Sales Act) need not be reported; and

(d) Every public or private office, directorship and position as trustee held; and

(e) All persons for whom [actual or proposed] *any legislation, or any rule [s], rate [s], or standard [s] has been prepared, promoted, or opposed for current or deferred compensation: PROVIDED, That for the purposes of this subsection, "compensation" shall not include payments made to an elected official by the governmental entity for which such person serves as an elected official for his service in office; the description of such actual or proposed legislation, rules, rates, or standards; and the amount of current or deferred compensation paid or promised to be paid; and*

(f) The name and address of each governmental entity, corporation, partnership, joint venture, sole proprietorship, association, union, or other business or commercial entity from whom compensation has been received in any form of a total value of five hundred dollars or more; the value of such compensation; and the consideration given or performed in exchange for such compensation; and

(g) The name of any corporation, partnership, joint venture, association, union, or other entity in which is held any office, directorship, or any general partnership interest, or an ownership interest of ten percent or more; the name or title of that office, directorship, or partnership; the nature of ownership interest; and with respect to each such entity: (i) *With respect to a governmental unit in which the elected official holds any elective office, if such entity has received compensation in any form during the preceding twelve months from such governmental unit, the value of such compensation and the consideration given or performed in exchange for such compensation:* (ii) The name of each governmental [entity] unit, corporation, partnership, joint venture, sole proprietorship, association, union, or other business or commercial entity from which such entity has received compensation in any form in the amount of five hundred dollars or more during the preceding twelve months and the consideration given or performed in exchange for such compensation[; and]: **PROVIDED, The term "compensation" for purposes of this subsection (1)(g)(ii) shall not include payment for water and other utility services at rates approved by the Washington state utilities and transportation commission or the legislative authority of the public entity providing such service;** (iii) *The name, address, and occupation of every other director and/or officer of any bank or commercial lending institution, the name of which is required to be reported under this subsection; and*

(h) A list, including legal or other sufficient descriptions as prescribed by the

commission, of all real property in the state of Washington, the assessed valuation of which exceeds two thousand five hundred dollars in which any direct financial interest was acquired during the preceding calendar year, and a statement of the amount and nature of the financial interest and of the consideration given in exchange for such interest; and

(i) A list, including legal or other sufficient descriptions as prescribed by the *commission*, of all real property in the state of Washington, the assessed valuation of which exceeds two thousand five hundred dollars in which any direct financial interest was divested during the preceding calendar year, and a statement of the amount and nature of the consideration received in exchange for such interest, and the name and address of the person furnishing such consideration; and

(j) A list, including legal or other sufficient descriptions as prescribed by the *commission*, of all real property in the state of Washington, the assessed valuation of which exceeds two thousand five hundred dollars in which a direct financial interest was held: PROVIDED, That if a description of such property has been included in a report previously filed, such property may be listed, for purposes of this provision, by reference to such previously filed report;

(k) A list, including legal or other sufficient descriptions as prescribed by the *commission*, of all real property in the state of Washington, the assessed valuation of which exceeds five thousand dollars, in which a corporation, partnership, firm, enterprise or other entity had a direct financial interest in which corporation, partnership, firm or enterprise a ten percent or greater ownership interest was held; and

(1) Such other information as the commission may deem necessary in order to properly carry out the purposes and policies of this chapter, as the commission shall by rule prescribe.

(2) Where an amount is required to be reported under subsection (1), paragraphs (a) through (k) of this section, it shall be sufficient to comply with such requirement to report whether the amount is less than one thousand dollars, at least one thousand dollars but less than five thousand dollars, at least five thousand dollars but less than ten thousand dollars, at least ten thousand dollars but less than twenty-five thousand dollars, or twenty-five thousand dollars or more. An amount of stock may be reported by number of shares instead of by market value. No provision of this subsection shall be interpreted to prevent any person from filing more information or more detailed information than required.

(3) Elected officials and candidates reporting under this section shall not be required to file the statements required to be filed with the secretary of state under RCW 42.21.060.

Sec. 14. Section 26, chapter 1, Laws of 1973 and RCW 42.17.260 are each amended to read as follows:

(1) Each agency, in accordance with published rules, shall make available for public inspection and copying all public records. To the extent required to prevent an unreasonable invasion of personal privacy, an agency shall delete identifying details when it makes available or publishes any public record; however, in each case, the justification for the deletion shall be explained fully in writing.

(2) Each agency shall maintain and make available for public inspection and copying a current index providing identifying information as to the following records issued, adopted, or promulgated after [June 30, 1972] *January 1, 1973*:

(a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(b) Those statements of policy and interpretations of policy, statute and the Constitution which have been adopted by the agency;

(c) Administrative staff manuals and instructions to staff that affect a member of the public;

(d) Planning policies and goals, and interim and final planning decisions;

(e) Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports or surveys, whether conducted by public employees or others; and

(f) Correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party.

(3) An agency need not maintain such an index, if to do so, would be unduly burdensome, but it shall in that event:

(a) Issue and publish a formal order specifying the reasons why and the extent to which compliance would unduly burden or interfere with agency operations; and

(b) Make available for public inspection and copying all indexes maintained for agency use.

(4) A public record may be relied on, used, or cited as precedent by an agency against a party other than an agency and it may be invoked by the agency for any other purpose only if—

(a) It has been indexed in an index available to the public; or

(b) Parties affected have timely notice (actual or constructive) of the terms thereof.

(5) This chapter shall not be construed as giving authority to any agency to give, sell or provide access to lists of individuals requested for commercial purposes, and agencies shall not do so unless specifically authorized or directed by law: *PROVIDED, HOWEVER, That lists of applicants for professional licenses and of professional licensees shall be made available to those professional associations or educational organizations recognized by their professional licensing or examination board, upon payment of a reasonable charge therefor: PROVIDED FURTHER, That such recognition may be refused only for a good cause pursuant to a hearing under the provisions of chapter 34.04 RCW.*

Sec. 15. Section 27, chapter 1, Laws of 1973 and RCW 42.17.270 are each amended to read as follows:

Public records shall be available to any person for inspection and copying, and agencies shall, upon request for identifiable *public* records, make them promptly available to any person. Agency facilities shall be made available to any person for the copying of public records except when and to the extent that this would unreasonably disrupt the operations of the agency. *Agencies shall honor requests received by mail for identifiable public records unless exempted by provisions of this chapter.*

Sec. 16. Section 29, chapter 1, Laws of 1973 and RCW 42.17.290 are each amended to read as follows:

Agencies shall adopt and enforce reasonable rules and regulations, consonant with the intent of this chapter to provide full public access to [official] *public* records, to protect public records from damage or disorganization, and to prevent excessive interference with other essential functions of the agency. Such rules and regulations shall provide for the fullest assistance to inquirers and the most timely possible action on requests for information. *Nothing in this section shall relieve agencies from honoring requests received by mail for copies of identifiable public records.*

Sec. 17. Section 31, chapter 1, Laws of 1973 and RCW 42.17.310 are each amended to read as follows:

(1) The following shall be exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, welfare recipients, prisoners, probationers, or parolees.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would violate the taxpayer's right to privacy or would result in unfair competitive disadvantage to such taxpayer.

(d) Specific intelligence information and specific investigative [files] *records* compiled by investigative, law enforcement, and penology agencies, and state agencies

vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who file complaints with investigative, law enforcement or penology agencies, except as the complainant may authorize: *PROVIDED, That this subsection shall not apply to persons who file complaints with the public disclosure commission about any elected official or candidate for elective office: PROVIDED, FURTHER, That all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.*

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(2) The exemptions of this section shall be inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption shall be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records, exempt under the provisions of this section, may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records, is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any *public* record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

Sec. 18. Section 32, chapter 1, Laws of 1973 and RCW 42.17.320 are each amended to read as follows:

Responses to requests for *public* records shall be made promptly by agencies. Denials of requests must be accompanied by a written statement of the specific reasons therefor. Agencies shall establish mechanisms for the most prompt possible review of decisions denying inspection, and such review shall be deemed completed at the end of the second business day following the denial of inspection and shall constitute final agency action for the purposes of judicial review.

Sec. 19. Section 33, chapter 1, Laws of 1973 and RCW 42.17.330 are each amended to read as follows:

The examination of any specific *public* record may be enjoined if, upon motion and affidavit, the superior court for the county in which the movant resides or in which the record is maintained, finds that such examination would clearly not be in the public interest and would substantially and irreparably damage any person, or would substantially and irreparably damage vital governmental functions.

Sec. 20. Section 34, chapter 1, Laws of 1973 and RCW 42.17.340 are each amended to read as follows:

(1) Upon the motion of any person having been denied an opportunity to inspect or copy a public record by an agency, the superior court in the county in which a record is maintained may require the responsible agency to show cause why it has refused to allow inspection or copying of a specific *public* record or class of records. The burden of proof shall be on the agency to establish that refusal to permit public inspection and copying is required.

(2) Judicial review of all agency actions taken or challenged under RCW 42.17.250 through 42.17.320 shall be de novo. Courts shall take into account the policy of this chapter that free and open examination of public records is in the public interest, even though such examination may cause inconvenience or embarrassment to public officials or others. Courts may examine any record in camera in any proceeding brought under this section.

(3) Any person who prevails against an agency in any action in the courts seeking the right to inspect or copy any public record shall be awarded all costs, including reasonable attorney fees, incurred in connection with such legal action. In addition, it shall be within the discretion of the court to award such person an amount not to exceed twenty-five dollars for each day that he was denied the right to inspect or copy said public record.

NEW SECTION. Sec. 21. There is added to chapter 42.17 RCW a new section to read as follows:

(1) Each lobbyist shall at the time he registers submit to the commission a recent three inch by five inch black-and-white photograph of himself together with the name of the lobbyist's employer, the length of his employment as a lobbyist before the legislature, a brief biographical description, and any other information he may wish to submit not to exceed fifty words in length; such photograph and information to be published at least annually in a booklet form by the commission for distribution to legislators and the public.

(2) There is established a fund to be known as the "lobbyists' booklet revolving fund" which shall consist of all receipts from sales of the booklets described in subsection (1) of this section. This fund shall be used for expenses of production and sale of such booklets and for no other purpose.

NEW SECTION. Sec. 22. There is added to chapter 42.17 RCW a new section to read as follows:

Notwithstanding the provisions of RCW 42.17.260 through 42.17.340, as now or hereafter amended, no state college, university, library, or archive shall be required by chapter 42.17 RCW to make available for public inspection and copying any records or documents obtained by said college, university, library, or archive through or concerning any gift, grant, conveyance, bequest, or devise, the terms of which restrict or regulate public access to such records or documents: **PROVIDED,** That this section shall not apply to any public records as defined in RCW 40.14.010.

Sec. 23. Section 35, chapter 1, Laws of 1973 and RCW 42.17.350 are each amended to read as follows:

There is hereby established a "Public Disclosure Commission" which shall be composed of five members who shall be appointed by the governor, with the consent of the senate. All appointees shall be persons of the highest integrity and qualifications. No more than three members shall have an identification with the same political party. The original members shall be appointed within sixty days after the effective date of this act. The term of each member shall be five years except that the original five members shall serve initial terms of one, two, three, four, and five years, respectively, as designated by the governor. No member of the commission, during his tenure, shall (1) hold or campaign for elective office; (2) be an officer of any political party or political committee; (3) permit his name to be used, or make contributions, in support of or in opposition to any candidate or proposition; (4) participate in any way in any election campaign; or (5) lobby or employ or assist a lobbyist. No member shall be eligible for appointment to more than one full term. A vacancy on the commission shall be filled within thirty days

of the vacancy by the governor, with the consent of the senate, and the appointee shall serve for the remaining term of his predecessor. A vacancy shall not impair the powers of the remaining members to exercise all of the powers of the commission. Three members of the commission shall constitute a quorum. The commission shall elect its own chairman and adopt its own rules of procedure in the manner provided in chapter 34.04 RCW. Any member of the commission may be removed by the governor, but only upon grounds of neglect of duty or misconduct in office.

[Members] *Each member shall [serve without compensation, but] receive per diem in the amount of forty dollars in lieu of expenses for each day or portion thereof spent in performance of his duties as a member of the commission, and in addition shall be reimbursed for [necessary traveling and lodging] travel expenses actually incurred while engaged in the business of the commission as provided in chapter 43.03 RCW. The compensation provided pursuant to this section shall not be considered salary for purposes of the provisions of any retirement system created pursuant to the general laws of this state.*

Nothing in this section shall prohibit the commission, or any of its members or staff on the authority of the commission, from responding to communications from the legislature or any of its members or from any state agency or from appearing and testifying at an open public meeting (as defined by RCW 42.30.030) or a hearing to adopt rules held pursuant to RCW 34.04.025 on matters directly affecting the exercise of their duties and powers under this chapter.

Sec. 24. Section 36, chapter 1, Laws of 1973 and RCW 42.17.360 are each amended as follows:

The commission shall:

(1) Develop and provide forms for the reports and statements required to be made under this chapter;

(2) Prepare and publish [a manual] on or before July 1, 1976, manuals and information setting forth recommended uniform methods of bookkeeping and reporting for use by persons required to make reports and statements under this chapter;

(3) Prepare and publish on or before July 1st of each year cumulative supplements to previously published manuals and information or revised versions of previously published forms, manuals, and information which shall incorporate all pertinent changes which occurred during the preceding calendar year;

(4) Prepare and publish bulletins announcing pertinent changes, as they occur, in previously published forms, manuals, information, and supplements;

(5) Distribute all necessary and appropriate forms, manuals, information, supplements, and bulletins to;

(a) Each candidate (except for the offices of president, vice president, and precinct committee person): *PROVIDED, That such distribution shall be made upon receipt by the commission of the statement of political committee organization required by RCW 42.17.040 from each such candidate or upon each such candidate's filing of a declaration of candidacy, whichever occurs first: PROVIDED, FURTHER, That such distribution may be made by the election officer with whom such declaration has been filed;*

(b) Each political committee (except those which are only established to support the candidacy of a single individual): *PROVIDED, That such distribution shall be made upon receipt by the commission of the statement of organization required by RCW 42.17.040 from such a political committee: PROVIDED, FURTHER, That such distribution may be made by the county auditor with whom such statement of organization has been filed;*

(c) Each registered lobbyist; *PROVIDED, That such distribution shall be made upon receipt by the commission of the lobbyist registration statement required by RCW 42.17.150 from such a lobbyist;*

(d) Each legislator and each committee of the legislature; *PROVIDED, That such distribution shall be made on or before January 1st of each year;*

(e) Each sponsor of the grass roots lobbying campaign; *PROVIDED, That such distribution shall be made upon receipt by the commission of the registration statement required by RCW 42.17.200 from such a sponsor;*

(f) Each state agency; *PROVIDED*, That such distribution shall be made on or before January 1st of each year;

(g) Each public official who must file the report of financial affairs required by RCW 42.17.240: *PROVIDED*, That such distribution shall be made on or before December 1st of the year preceding the year during which such official is required to file such a report by RCW 42.17.240 and, in the case of a person appointed to fill a vacancy in an office, such distribution shall be made upon such appointment;

(h) Any other person, committee, or entity whose obligation to report under this chapter can be ascertained by the commission: *PROVIDED*, That such distribution shall be made according to such rules and regulations as the commission may prescribe;

(6) Respond in writing to each request for clarification or interpretation of this chapter within thirty days of receiving such a request: *PROVIDED*, That the commission, before responding in writing to a telephone request, may require the person making such a request to submit the request to the commission in written form: *PROVIDED*, *FURTHER*, That nothing in this subsection shall be construed so as to suspend the reporting obligation of any person making such a request during the time prior to such person's receipt of the commission's written response;

[(3)] (7) Compile and maintain a current list of all filed reports and statements;

[(4)] (8) Investigate whether properly completed statements and reports have been filed within the times required by this chapter;

[(5)] (9) Upon complaint or upon its own motion, investigate and report apparent violations of this chapter to the appropriate law enforcement authorities: *PROVIDED*, That upon a finding by the commission that probable cause exists to believe that any party has committed an apparent violation of this chapter, said party shall be entitled to a hearing, and proceedings following the finding of probable cause shall be conducted pursuant to the provisions of chapter 34.04 RCW relating to contested cases;

[(6)] (10) Prepare and publish an annual report to the governor as to the effectiveness of this chapter and its enforcement by appropriate law enforcement authorities;

(11) Working in conjunction with the senate and house standing committees on constitution and elections, report to the next session of the legislature convened after January 1, 1976, recommendations with respect to the reporting requirements for elected officials who also serve as directors or officers of banks or other financial institutions. Such report shall contain a detailed analysis of the effect of present disclosure requirements and a review of federal and state banking laws and their relation to financial disclosure requirements. Such report must demonstrate that the recommendations contained therein will facilitate the purpose and intent of this chapter as set forth in RCW 42.17.010, as now or hereafter amended; and

[(7)] (12) Enforce this chapter according to the powers granted it by law.

Sec. 25. Section 37, chapter 1, Laws of 1973 and RCW 42.17.370 are each amended to read as follows:

The commission is empowered to:

(1) Adopt, promulgate, amend, and rescind suitable administrative rules and regulations to carry out the policies and purposes of this chapter, which rules and regulations shall be promulgated pursuant to the provisions of chapter 34.04 RCW;

(2) Prepare and publish such reports and technical studies as in its judgment will tend to promote the purposes of this chapter, including reports and statistics concerning campaign financing, lobbying, financial interests of elected officials, and enforcement of this chapter;

(3) Make from time to time, on its own motion, audits and field investigations;

(4) Make public the [fact that an alleged or apparent violation has occurred and the nature thereof] time and date of any formal hearing set to determine whether a violation has occurred, the question or questions to be considered, and the results thereof;

(5) Administer oaths and affirmations, [subpoena witnesses] issue subpoenas, [compel their attendance] and compel attendance, take evidence and require the production of any books, papers, correspondence, memorandums, or other records which the commission deems relevant or material for the purpose of any investigation authorized under this chapter, or any other proceeding under this chapter;

(6) Adopt and promulgate a code of fair campaign practices;

(7) Relieve, by published regulation of general applicability, candidates or political committees of obligations to comply with the provisions of this chapter relating to election campaigns, if they have not received contributions nor made expenditures in connection with any election campaign of more than one thousand dollars; and

(8) Enact regulations prescribing reasonable requirements for keeping accounts of and reporting on a quarterly basis costs incurred by state agencies, counties, cities, and other municipalities and political subdivisions in preparing, publishing, and distributing legislative information. The term "legislative information", for the purposes of this subsection, means books, pamphlets, reports, and other materials prepared, published, or distributed at substantial cost, a substantial purpose of which is to influence the passage or defeat of any legislation. The state auditor in his regular examination of each agency under chapter 43.09 RCW shall review such regulations, accounts, and reports and make appropriate findings, comments, and recommendations in his examination reports concerning those agencies.

(9) The commission, after hearing, by order *approved and ratified by a majority of the membership of the commission*, may suspend or modify any of the reporting requirements hereunder in a particular case if it finds that literal application of this chapter works a manifestly unreasonable hardship and if it also finds that such suspension or modification will not frustrate the purposes of the chapter. Any such suspension or modification shall be only to the extent necessary to substantially relieve the hardship. The commission shall act to suspend or modify any reporting requirements only if it determines that facts exist that are clear and convincing proof of the findings required hereunder. Any citizen shall have standing to bring an action in Thurston county superior court to contest the propriety of any order entered hereunder within one year from the date of the entry of such order.

Sec. 26. Section 38, chapter 1, Laws of 1973 and RCW 42.17.380 are each amended to read as follows:

(1) The secretary of state, through his office, shall perform such ministerial functions as may be necessary to enable the commission to carry out its responsibilities under this chapter. The office of the secretary of state shall be designated as the place where the public may file papers or correspond with the commission and receive any form or instruction from the commission.

(2) The attorney general, through his office, shall supply such assistance as the commission may require in order to carry out its responsibilities under this chapter. The commission may employ attorneys who are neither the attorney general nor an assistant attorney general to carry out any function of the attorney general prescribed in this [section] chapter.

NEW SECTION. Sec. 27. This 1975 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 28. If any provision of this 1975 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected."

POINT OF INQUIRY

Senator Bailey: "Would Senator Grant yield? Senator Grant, I trust the amendment you are proposing is the one on the white sheets, fifth draft?"

Senator Grant: "Your copy says 'by Senator Mardesich.' It is by Senator Mardesich and myself."

Senator Bailey: "With 'fifth draft' up in the corner?"

Senator Grant: "That is correct."

POINT OF INQUIRY

Senator Washington: "Would Senator Mardesich yield to a question? Don't you believe that we would be able to follow it better by page? We would know which was coming."

Senator Mardesich: "I am suggesting that we go by page as amendments have been offered. However, there are other amendments which may be offered which might relate back to an earlier page, is all I am suggesting."

Senator Washington: "All right."

REMARKS BY SENATOR BAILEY

Senator Bailey: "Mr. President, I would not see any objection to that if we did not go back and amend a section we already worked on an amendment for. In other words, if we were on subsection (2) I think that we should have all the amendments in subsection (2), page 1, because if we are going to go forward and then drop back and work over the same language that we had before I think we would be wasting time, but I can see the benefits from not taking them in order necessarily but we should deal with everything in that particular section."

REPLY BY THE PRESIDENT

The President: "The Secretary advises that there are a number of amendments dealing with the same item to be amended and the Secretary has tried to group them together. For instance, in the brochure of amendments, there is a Senate amendment to Engrossed Second Substitute House Bill 827 by Senator Mardesich on page 11, line 6, page 11, line 15, page 13, line 10, page 13, line 19, are all the same and perhaps should be considered simultaneously. The President is certain that the Secretary will have the amendments considered in the most expeditious manner."

Senator Mardesich moved adoption of the following amendment to the amendment by Senators Mardesich and Grant:

On page 4, line 5, after "*kind*" strike everything down to and including "*entity*" on line 10.

Debate ensued.

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

Senator Francis moved adoption of the following amendment to the amendment by Senators Mardesich and Grant:

On page 10, line 23, strike all of subsection (3) and renumber remaining sections accordingly.

POINT OF INQUIRY

Senator Grant: "Supposing the United for Washington or the State Labor Council contributes a substantial amount to your campaign and has already made a pledge to you the first week in November for the general election. They would not have to, under your amendment, report until December. Is that correct? That contribution. That type of involvement in a campaign I think is something that the public is entitled to know and you are treating a continuing political committee quite differently than you are treating other—you are giving them a real opportunity to hide contributions by this amendment that you have proposed."

Senator Francis: "Senator Grant, if you have asked me to respond and I believe you asked if that is correct, my reply has to be, you can hide nothing. The people that it is donated to have to report it, including they have to report the pledge, and they have to make all those reports prior to the election and so forth. It is just a matter of whether we are going to duplicate these reports and double it up and virtually cut off some sources of funds by people who might otherwise make a small contribution if they did not have to go through five or six separate reports of that one little contribution. Now that is what we are talking about. I think that this law, if you leave this section in here, is really stifling the political process and participation in the political process in this state. I think it is highly undesirable and I think we ought to just get it out of there."

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Will Senator Francis yield to a question? Senator Francis, as

I read this section there is no limit on the amount that may be contributed. You were speaking of a small contribution but this would as I read the second, it is wide open to any size of contribution."

Senator Francis: "I think that is correct, Senator Rasmussen. It goes both ways. It says, 'If a continuing political committee shall make a contribution in support of or in opposition to a candidate or ballot proposition within sixty days prior to the date on which such candidate or ballot proposition will be voted upon, such continuing political committee shall report pursuant to RCW 42.17.080 as now or hereafter amended until twenty-one days after the election.'"

Senator Rasmussen: "Thank you, Senator Francis."

Further debate ensued.

The motion of Senator Francis failed and the amendment to the amendment was not adopted on a rising vote.

Senator Francis moved adoption of the following amendment to the amendment by Senators Mardesich and Grant:

On page 11, line 1, after "expenditure" strike all material down to and including "treasurer" on line 10.

POINT OF INQUIRY

Senator Scott: "Would Senator Francis yield? Senator Francis, where does this leave us then with respect to the current law? Aren't you reverting to it?"

Senator Francis: "Senator Scott, this whole section is set up to deal with continuing political committees. Under current law we do not have any specific way of handling it and I would presume, yes, I would presume that under current law continuing political committees are just like a campaign committee and you are subject to all of the abuses there."

Senator Scott: "If we do not accept this new language then we are leaving ourselves open to inspection twenty-four hours a day in theory. I would speak against your amendment, feeling that someone ought to be home, either at your home or at the campaign headquarters or at the treasurer's home at least two hours a day, and you will notice that Senator Mardesich's amendment further down on page 11 and on page 13 would put in 'weekdays only' and so you have two hours on weekdays only and I understand there is further amendment so that you can specify which two hours that will be. Now it would seem that in one of those three locations there ought to be someone home, that it would not be too onerous two hours a day during the time that the campaign manager or the treasurer has chosen."

Senator Francis: "Senator Scott, you do not understand. If this language is stricken it does not put us back to present law. The section as a whole will still remain. This section as a whole governs what continuing political committees have to do. If they get involved directly in a campaign they will be converted into campaign committees. This is just when they make an isolated contribution and if this is out of there then they do not have, as campaign committees do, they will not have to hold their headquarters open or have business hours where everybody can come trotting through, so you are just wrong when you think that we are back to present law if we adopt this amendment. All you are doing is getting rid of a rather, I think, onerous requirement on these continuing political committees if you adopt this amendment."

Debate ensued.

The motion by Senator Francis failed and the amendment to the amendment was not adopted on a rising vote.

Senator Mardesich moved the following amendments to the amendment by Senators Mardesich and Grant be considered and adopted simultaneously:

On page 11, line 6, after "each" strike "day" and insert "weekday"

On page 11, line 15, after "each" strike "day" and insert "weekday"

On page 13, line 10, after "each" strike "day" and insert "weekday"

On page 13, line 19, after "each" strike "day" and insert "weekday"

POINT OF INQUIRY

Senator Grant: "Will Senator Mardesich yield? Senator Mardesich, in the series of

amendments where you specify 'weekday' would that also apply in the last eight days before an election?"

Senator Mardesich: (No reply)

Senator Grant: "Then, Mr. President and members of the Senate, usually elections fall on Tuesday and if the books are not open on Saturday or Sunday, I do not really think this is a critical one, but if they are not open on Saturday and Sunday and that is when we have seen there have been, in the last few days of an election, considerable contribution is made to a political candidate, it makes it very, very difficult to make a determination as to whether or not some heavy influence has been put forth in that period of time. It occurs to me that we ought to have those, at least during the last eight days before an election, those books ought to be available."

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Grant yield to a question? Senator Grant, I am inclined to concur with Senator Woody. I cannot see, and maybe you can explain to me, what difference it makes if this visiting inspection team would come in and inspect that short a period. They have eight days before the election. They have to make party records available but at that late date—now if you will recall, Common Cause sent out a press release to all the newspapers on Saturday, I think it was, and they had a great number of serious errors in the press release. They sent it out and then checked with the candidates. I am sure you got the same information that I did and I in contacting them they admitted that they had made a grievous mistake and that they wanted to correct it and they were calling all the newspapers but the newspapers, the majority of them, refused to publish them anyway. Well, now any information that you get in that last Sunday inspection would not be published in the newspapers. Most of them have ceased political information the day before. They cut it off on a Friday night so I cannot see where it would do any good. That is my question to you."

Senator Grant: "That may be the policy of some of the daily papers. It is strictly a voluntary policy, I understand, regarding charges in the campaign, Senator Rasmussen, but I am not sure that the weekly papers or biweekly or thrice weekly papers would have that same type of policy and I have seen, even the Monday before a Tuesday election in the recent past, considerable information that has been presented by the newspapers regarding campaign contributions, regarding charges, regarding all kinds of things. I just would ask that we defer consideration of these items for a few moments. Perhaps the question should be divided, and perhaps in most cases the weekdays amendment that Senator Mardesich has offered is an agreeable amendment but I think in the last eight days if you have a continuing political committee operating, that their books ought to be open."

Senator Rasmussen: "Thank you, Senator Grant."

MOTION

On motion of Senator Mardesich, the pending amendments to the amendment by Senators Mardesich and Grant were ordered held following the completion of action on other amendments.

Senator Francis moved adoption of the following amendment to the amendment by Senators Mardesich and Grant:

On page 11, line 12, after "treasurer." strike all of subsection (7).

PARLIAMENTARY INQUIRY

Senator Grant: "Mr. President, I am a little mystified at your last ruling relative to taking this at this time. Senator Mardesich's amendment limiting this to workdays does perfect that particular subsection, and if we strike it, how do we perfect it? If we strike that subsection, which is what Senator Francis is attempting, then we cannot come back and perfect it, can we? Or are you going to let us?"

REPLY BY THE PRESIDENT

The President: "Senator Grant, your remarks are well taken. Thank you. If there

are no objections, Senator Francis's amendment on page 11, line 12, will be considered immediately following the consideration of the four amendments proposed by Senator Mardesich."

REMARKS BY THE PRESIDENT

The President: "The President respectfully points out that in his possession are three different dictionary definitions of 'weekday.' The common usage has dictated that Monday through Friday are weekdays but for the purpose of this particular legislation perhaps the members would consider, if the amendments are adopted, inserting a definition for 'weekday.'"

The amendment by Senator Francis to page 11, line 12 to the amendment will be considered following the four amendments proposed by Senator Mardesich to the amendment.

Senator Mardesich moved adoption of the following amendment to the amendment by Senators Mardesich and Grant:

On page 14, line 31, after "*following*" strike "*such receipt*" and insert "*deposit of such funds*".

Debate ensued.

Senator Mardesich moved adoption of the following amendment to the amendment by Senator Mardesich:

After "*within*" strike "3" and insert "14"

There being no objection, the amendments to the amendment by Senator Mardesich were withdrawn.

There being no objection, the amendment by Senator Beck to the amendment by Senator Mardesich on the Secretary's desk, was withdrawn.

Senator Mardesich moved adoption of the following amendment to the amendment by Senators Mardesich and Grant:

On page 14, line 31, after "*within*" strike "*three*" and insert "*ten*"

PARLIAMENTARY INQUIRY

Senator Washington: "As I recall, we have used as a method of expediting business when we have a main amendment which is in substance really an entire bill, that in order to properly take care of it we consider the amendment when it is an amendment to something that is really an entire bill as an amendment, and then allow an amendment to that amendment, and I would suggest that we follow that procedure in this case because we do have here what is essentially a complete bill."

Debate ensued.

POINT OF INQUIRY

Senator Talley: "Would Senator McDermott yield? What if we set it five days after receipt of the check in the mails?"

Senator McDermott: "I think that is what the law now says as we are amending it, five days after the receipt. It says 'three' the way we are talking about changing how many days after the receipt, not the deposit but the receipt."

Further debate ensued.

POINT OF INQUIRY

Senator Van Hollebeke: "Would Senator Francis yield to a question please? Senator Francis, I think you may be more familiar with this act than I. If I were to say on this floor right now that I am running for reelection, do I have to do any special filing? Am I required to? I will be careful what I preface my remarks with here."

Senator Francis: "Senator Van Hollebeke, I am not more familiar with the act than you. I have never gotten any of those kinds of contributions and maybe that is why as I read this thing it continues to amaze me because I have not had to read it before."

Senator Van Hollebeke: "Do not misinterpret my question."

Senator Francis: "As far as I know if you announced here that you are a candidate, then you are a candidate and you are going to have to start filing regularly."

Senator Van Hollebeke: "All right. I will not announce at this time. Should I run,

and I think it is very, very probable I will run for reelection, I would vote against this amendment and I think that is an important thing to look at in this whole statute and every amendment we come up to, that comes before us, because the more of these — and, Senator Francis, I agree with you in this amendment — the more of these kinds of clauses we have in this statute the more advantage we incumbents have. This one I agree with you is impossible. Three days is not a sufficient time to allow any candidate, incumbent or otherwise, to find out what he needs to know and report this. It just stymies all political campaigns, but incumbents and if I should, as I say, run I know I am going to have quite a few hundred people working for me — I had over five hundred last time — I will have every kind of committee you can think of and we will be able to do this much better than anybody that is going to run against me, I would think; so if I wanted to help my own campaign I would vote for this kind of thing but I cannot and I would urge you to adopt the amendment providing for a ten day period.”

Further debate ensued.

The motion by Senator Mardesich carried and the amendment to the amendment was adopted.

Senator Mardesich moved adoption of the following amendment by Senators Mardesich and Lewis (Harry):

On page 15, line 28, after the period insert “*No employer, or officer, director, manager, or official of any company, union, or association of any kind, or any other person acting on behalf of such individual, shall direct, coerce, compel, or otherwise force, or attempt to direct, coerce, compel, or otherwise force any employee or member to contribute to a designated candidate or political committee*”

POINT OF INQUIRY

Senator Grant: “Will Senator Mardesich yield to a question? Senator Mardesich, let me use the example of the State Labor Council. When their funds are derived from a per capita paid by individual local unions, which individual local has a choice as to whether or not they in fact even participate in the State Labor Council or a county labor council, they have that choice, those local unions and the members within those local unions have a choice as to whether or not they participate in any of those councils along the way and the members have those choices in their local union meetings, could under those circumstances a union or a council use their funds or a portion of their funds for political purposes?”

Senator Mardesich: “If the collection was made for a political purpose, for support of candidates or issues, and plainly so on a mandatory basis, then the answer is no.”

Senator Grant: “That is not the question. The question is, local union members acting in meetings may determine voluntarily to belong to a county labor council or a state labor council. That is voluntarily associating with the council. A portion of those funds then are used for political purposes. Do you think that is a voluntary . . . ?”

Senator Mardesich: “No, I do not. I think the question has to be put to the membership in this manner: ‘We are creating a political fund. Our aim is to do thus and so with that fund. Here are the things we are going to try to do. Here are the people we intend to support.’ And I do not think it is necessary they say, ‘Here are the people we intend to support.’ They probably should be saying, ‘Here are the issues, the goals which we are going to try to reach and these are the issues and goals which we are going to back and we think those of you who are interested in the goals of labor and in the passage of these issues should contribute to this fund voluntarily.’ I am not of the belief that labor will back away. I think that those people in labor who are sincerely interested in the goals and the issues which their leadership espouse will come forth voluntarily and contribute, and I think the WEA has been an exemplary example of exactly that.”

Senator Grant: “A further question then, Senator Mardesich, and using another hypothetical: would it be permissible under your amendment for a corporation, any corporation, to use corporate funds for political purposes?”

Senator Mardesich: “No, I do not think so.”

Senator Grant: “In other words, your amendment then . . .”

Senator Mardesich: "I suppose a corporation might be termed a person under our law and maybe they could."

Senator Grant: "Yes, they are."

Senator Mardesich: "I suppose they could. The amendment does not address itself to that definition."

Senator Grant: "Let me ask you about a stockholder within a company."

Senator Mardesich: "Certainly the bank or Boeing could not go out to all its executives, and this is a common practice, we all know it, and say, 'Look we are having a political fund and, boys, the dues are so much a month and it is a hell of a nice job you have and I am sure you are interested in keeping it.' And I want to put an end to that type of thing."

Senator Grant: "I am not quite certain what your amendment is really doing here, whether it is treating corporations and unions alike, whether stockholders of corporations could insist that any contribution that was made on behalf of the corporation, that their portion be refunded to them. Is that what you are suggesting?"

Senator Mardesich: "I am not suggesting anything of the kind. My amendment says, 'No employer, officer, director, manager, or official of any company, union, association, and so forth may coerce, direct, compel, or otherwise force any employee or member to contribute to a political campaign or a candidate.' That is what the amendment says and I believe strongly in that approach."

Further debate ensued.

POINT OF ORDER

Senator Washington: "I raise the question of scope and object on this particular amendment. This is a bill which relates to reporting of contributions. No place in the original bill as I know it relates to designating who can contribute and who cannot contribute. It merely is a bill relating to the reporting of contributions. This is an amendment which goes into a very complex question as to who may contribute and on the surface it seems like a good amendment but this is one of the reasons why we have scope and object. I am not sure how it affects corporations. I am not sure how this amendment affects labor unions or any other organization. For that reason, it is obvious that we should give this serious consideration and I do believe it does expand the scope and object."

RULING BY THE PRESIDENT

The President: "Members of the Senate, the President determines that Engrossed Second Substitute House Bill No. 827 and the amendment both include modifications of virtually all facets of Initiative 276. The President does not find the bill or the amendment quite as narrow as Senator Washington has indicated. Therefore, the amendment to the amendment does not change the scope and object of the bill and his point of order is not well taken."

POINT OF INQUIRY

Senator Wilson: "Would Senator Mardesich yield? Senator Mardesich, I am trying to evaluate the impact of your amendment. My first question is as follows: If you had a group of any kind and they decided to contribute money toward a pot which would simply be used in a very general sense to advance the political interests of the group and its members, and then subsequently a special committee or a board of directors or some other sub-entity made the specific determinations as to which campaigns this money would be contributed to and which it would not, would this be permissible under the wording and intent of your proposed amendment?"

Senator Mardesich: "Accepting the basis of your question to be that the original group met voluntarily and any contributions to that group were voluntary contributions, my answer to your question is no."

Senator Wilson: "Would not. Okay. A second question which you have probably already answered, many such groups, not only labor unions but chambers of commerce or other associations which have a tradition of arriving at decisions through majority

vote as we do here in the Senate, now if such a group as I described by majority vote decided to get up a political fund, the disbursement of which was entrusted to a committee, board of directors, or somebody else, and this committee gave some of its funds to a candidate and one of the members who had perhaps voted against the motion but went along because the decision had been arrived at by majority vote, one of the members objected to money being given to that particular candidate, then he would by terms of your membership, I guess, have been directed or compelled to contribute money to a candidate whom he did not wish to support. Is that also correct?"

Senator Mardesich: "That is not correct. I would distinguish that from the former example by virtue of the fact that at the point where this committee decides to become political, they would have to have the vote, the motion should then be, 'Mr. Chairman, I move that we form a political fund designed to back issues such as we desire to back as a group,' and the motion is aye or no. Those who contribute will have to contribute to the fund voluntarily. There will be no coercion. There will have to be a separate fund. Any member who then contributes voluntarily would be in the position to give to the directorship group or the executive group or whoever they put in charge of the dispersal fund, he is merely giving the ability to that group to make the decision, but the original basis would have to be that the contributions are voluntary. And having espoused a position on issues, it is up to every person to decide in that group whether he wants to contribute voluntarily to this specific campaign fund."

Senator Grant moved adoption of the following amendment to the amendment by Senators Mardesich and Lewis (Harry) to the amendment by Senators Mardesich and Grant:

On line 4 after "shall" delete "direct" and on line 5 after "to" delete "direct".

Debate ensued.

POINT OF ORDER

Senator North: "I would like to ask, isn't this an amendment to an amendment to an amendment submitted by Senator Grant?"

REPLY BY THE PRESIDENT

The President: "Yes, Senator North."

Senator North: "Then would not it be out of order."

REPLY BY THE PRESIDENT

The President: "Yes, Senator North."

RULING BY THE PRESIDENT

The President: "Senator Grant, the amendment to Engrossed Second Substitute House Bill 827 is not a bill. It is an amendment. Senator Mardesich proposed an amendment. Now you have proposed one. Senator North's point is well taken. The President believes if you wish to achieve your objective, that Senator Mardesich's amendment should be voted down and then you could substitute your amendment, or offer a new amendment."

The amendment by Senator Grant to the amendment to the amendment was ruled out of order.

Further debate ensued.

Senators Newschwander, Mardesich and Matson demanded the previous question and the demand was sustained.

Senator von Reichbauer demanded a roll call and the roll call was sustained by Senators McDermott, Goltz, Washington, Ridder, Wilson, Grant, van Hollebeke, Bot-tiger and Stortini.

The President declared the question before the Senate to be the roll call on adop-tion of the amendment by Senators Mardesich and Lewis (Harry) to the amendment by Senators Mardesich and Grant.

ROLL CALL

The Secretary called the roll and the amendment to the amendment was adopted by the following vote: Yeas, 30; nays, 18; excused, 1.

Voting yea: Senators Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Gould, Guess, Herr, Jones, Keefe, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, Newschwander, North, Odegaard, Petersen, Pullen, Sandison, Scott, Sellar, Talley, Wanamaker, Woody—30.

Voting nay: Senators Bailey, Beck, Bottiger, Fleming, Goltz, Grant, Henry, Jolly, Knoblauch, McDermott, Rasmussen, Ridder, Stortini, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson—18.

Excused: Senator Murray—1.

Senator Grant moved adoption of the following amendment to the amendment by Senators Mardesich and Grant:•

On page 15, line 28, after "concealment." insert a new section to read as follows:

"*NEW SECTION.* Section 9. There is added to chapter 1, Laws of 1973 and to chapter 42.17 RCW a new section to read as follows:

(1) No person or his immediate family, or no political committee shall directly or indirectly make, and no candidate or political committee shall directly or indirectly receive from any person, immediate family, or political committee a total contribution in any general, primary, or special election which is in excess of:

(a) One hundred dollars to any candidate or political committee for nomination or election to any state-wide office, except the office of United States senator;

(b) One hundred dollars to any political committee in support of or in opposition to any ballot proposition which is voted upon state-wide;

(c) Twenty-five dollars to any candidate or political committee for nomination or election to any legislative office, office of any other political subdivision of the state, or in support of or in opposition to any ballot proposition of any political subdivision of the state;

(d) Two hundred fifty dollars to any state, county, or legislative district political party or parties in any one year: PROVIDED, That such contributions may be designated for exclusive use in one of three categories: (i) Federal political campaigns, (ii) state political campaigns, or (iii) local political campaigns.

(2) Notwithstanding the provisions of subsection (1) of this section, a political committee of a major political party, as defined by RCW 29.01.090, may contribute not more than two hundred fifty dollars to any candidate or other political committee.

(3) The commission shall be responsible for reviewing and monitoring contribution reporting to insure compliance with this section. The commission shall investigate all complaints and determine whether contribution statements have properly complied with the provisions of this section. Such duty shall devolve upon the commission when the legislature has appropriated funds necessary to perform the monitoring and investigatory functions required by this section."

Renumber remaining sections accordingly.

POINT OF INQUIRY

Senator Newschwander: "Would Senator Grant yield? Can you explain your philosophy except for United States Senator? You say it limits to one hundred dollars except the United States Senator. Now why do you make the exception there and not, say, the Governor's office or the State Treasurer?"

Senator Grant: "I think there are limitations in the federal law for U.S. Senator."

POINT OF INQUIRY

Senator Cunningham: "Would Senator Grant yield to a question? Senator Grant, would it be your interpretation or intention that this would also preclude an individual from contributing to his own campaign in greater excess than twenty-five dollars, should he just be running for the legislature?"

Senator Grant: "That is correct."

Senator Cunningham: "To continue with Senator Grant, Senator, how would the individual then file his candidacy? Pay his registration fee?"

Senator Grant: "A lot of people go out and get contributions for that purpose."

Debate ensued.

On motion of Senator Newschwander, the amendment by Senator Grant to the amendment by Senators Mardesich and Grant was laid upon the table.

Senator McDermott moved adoption of the following amendment to the amendment by Senators Mardesich and Grant:

On page 15, beginning on line 8, strike all of section 8. Renumber remaining sections consecutively.

POINT OF INQUIRY

Senator Lewis (R. H. "Bob"): "Would Senator McDermott yield? For clarification, does section 8 which you are striking include the Mardesich-Lewis amendment that passed?"

Senator McDermott: "Yes, it would."

Senator Lewis (R. H. "Bob"): "And your motion would strike that as well as those nine words you are looking at?"

Senator McDermott: "That is correct."

Senator Lewis (R. H. "Bob"): "Thank you."

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

Senator Mardesich moved adoption of the following amendment to the amendment by Senators Mardesich and Grant:

On page 21, line 23, following "months:" insert "*PROVIDED, That no individual shall be required to file more than once in any calendar year:*"

Debate ensued.

Senators Sandison, Newschwander and Scott demanded the previous question and the demand was sustained.

Senator Francis demanded a roll call and the demand was sustained by Senators Washington, Wilson, Goltz, Ridder, von Reichbauer, Grant, Wilson, Fleming and McDermott.

The President declared the question before the Senate to be the roll call on the amendment by Senator Mardesich to the amendment by Senators Mardesich and Grant.

ROLL CALL

The Secretary called the roll and the amendment to the amendment was adopted by the following vote: Yeas, 35; nays, 13, excused, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Gould, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, Newschwander, North, Odegaard, Peterson, Rasmussen, Scott, Sellar, Stortini, Talley, Walgren, Wanamaker, Woody—35.

Voting nay: Senators Bottiger, Fleming, Francis, Goltz, Grant, McDermott, Pulen, Ridder, Sandison, Van Hollebeke, von Reichbauer, Washington, Wilson—13.

Excused: Senator Murray—1.

Senator Mardesich moved adoption of the following amendment to the amendment by Senators Mardesich and Grant:

On page 23, line 12, after "*subsection*" and before "; and" insert "*or all interest paid by a borrower on loans from and all interest paid to a despoitor by such bank or commercial lending institution if such interest exceeds six hundred dollars*".

Debate ensued.

POINT OF INQUIRY

Senator Grant: "Why the six hundred figure, Senator Beck?"

Senator Beck: "That was a reasonable figure. If you want to make it a thousand or five thousand, I am sure that that would make it even easier on the person that has to file that information. If you want to make everyone file, every stockholder that has ten dollars invested in the bank, why then you are going to have a bigger report to make out."

Senator Grant: "I think the five hundred figure conforms to other requirements in the act. I am not sure, after the explanation, either what the amendment does. Does it give exemptions to everybody that works for a bank?"

Senator Beck: "No, it does not give exemptions. If you work for a bank and you want to run for office you have to file all of the intimate details of the bank's business, and what you are going to do, you are going to go to the the Public Disclosure Commission and ask for an exemption. They have to hold a hearing and decide whether or not—in almost every one of them they granted an exemption to. Now this permits you to file the list of the officers of your bank, if you want to do it that way. If you choose the file the stockholders you can do that. It gives you an alternate choice. It is just that simple."

Senator Grant: "I am just not sure whether this is a good amendment or not, frankly."

The motion by Senator Mardesich carried and the amendment to the amendment was adopted.

There being no objection, the amendment by Senator Beck to page 26, line 1 on the Secretary's desk was withdrawn.

Senator Beck moved adoption of the following amendment to the amendment by Senators Mardesich and Grant:

On page 25, line 34, after "purposes" strike all the matter down through "RCW" on page 26, line 6, and insert "*unless the commercial purpose shall be in accordance with the laws of the state of Washington*".

Debate ensued.

The motion by Senator Beck failed and the amendment to the amendment was not adopted on a rising vote.

On motion of Senator Mardesich, the following amendment by Senator Mardesich to the amendment by Senators Mardesich and Grant was adopted:

On page 6, line 9, after "available" and before "for inspection" strike "to any person" and insert "[to any person]".

Senator Mardesich moved adoption of the following amendment to the amendment by Senators Mardesich and Grant:

On page 26, line 11, after "person" and before the period insert "*who identifies himself or herself to such agency. Each agency shall maintain a listing of all records disclosed together with the identity of each person requesting such disclosure*".

Senator Beck moved adoption of the following amendment to the amendment by Senator Mardesich to the amendment:

In the Mardesich amendment to the amendment, strike "*each agency*" and insert "*The Public Disclosure Commission*".

POINT OF ORDER

Senator Van Hollebeke: "Mr. President, was not your previous ruling that amendments to the amendment to the amendment could not be admitted?" *

RULING BY THE PRESIDENT

The President: "It would not be in order, Senator Van Hollebeke."

Senator Van Hollebeke: "And this is an amendment to an amendment to an amendment, isn't it?"

REPLY BY THE PRESIDENT

The President: "Yes, Senator Van Hollebeke."

Senator Van Hollebeke: "Then I raise that point of order, Mr. President."

Debate ensued.

POINT OF ORDER

Senator Newschwander: "I think maybe we should vote down the amendment and then he can speak on what he is trying to do."

RULING BY THE PRESIDENT

The President: "Senator Newschwander's point is well taken."

Further debate ensued.

Senators Sandison, von Reichbauer and Newschwander demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be adoption of the amendment by Senator Mardesich to the amendment by Senators Mardesich and Grant.

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

Senator Beck moved adoption of the following amendment to the amendment by Senators Mardesich and Grant:

On page 26, line 11, after "person" and before the period insert "*who identifies himself or herself to such agency. The Public Disclosure Commission shall maintain a listing of all records disclosed together with the identity of each person requesting such disclosure.*"

Debate ensued.

POINT OF ORDER

Senator Scott: "I cannot see where the current amendment is materially different from the one we just defeated."

RULING BY THE PRESIDENT

The President: "Senator Scott, in reply to your point, the President believes that Senator Beck has offered a new proposition."

Further debate ensued.

There being no objection, the amendment by Senator Beck to the amendment was withdrawn.

Senator Washington moved adoption of the following amendment to the amendment by Senators Mardesich and Grant:

On page 27, beginning on line 17, after "authorize" strike all the underscored material down through "oath" on line 23.

Debate ensued.

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

Senator von Reichbauer explained his amendment to page 34, line 4 to the amendment by Senators Mardesich and Grant, on the Secretary's desk, before asking that it be withdrawn.

On motion of Senator Francis, the following amendment by Senator Francis to the amendment by Senators Mardesich and Grant was adopted:

On page 34, line 12, after "*elected officials*" strike all material down to and including "*institutions*" on line 13.

Senator Gould moved adoption of the following amendment by Senators Gould and Lewis (R. H. "Bob") to the amendment by Senators Mardesich and Grant:

On page 36, after section 26, line 22, insert a section as follows:

"Sec. 27. Section 40, chapter 1, Laws of 1973 and RCW 42.17.400 are each amended to read as follows:

(1) The attorney general and the prosecuting authorities of political subdivisions of this state may bring civil actions in the name of the state for an appropriate civil remedy, including but not limited to the special remedies provided in RCW 42.17.390.

(2) The attorney general and the prosecuting authorities of political subdivisions of this state may investigate or cause to be investigated the activities of any person who there is reason to believe is or has been acting in violation of this chapter, and 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 in the county in which such person resides or is bound, to give such information under oath and to produce all accounts, bills, receipts, books, paper and documents which may be relevant or material to any investigation authorized under this chapter.

(3) When the attorney general or the prosecuting authority of any political subdivision of this state requires the attendance of any person to obtain such information or the production of the accounts, bills, receipts, books, papers, and documents which may be relevant or material to any investigation authorized under this chapter, 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 or said prosecuting authority, 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 order 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 writing, and such action shall be subject to review by the appellate courts by certiorari or other appropriate proceeding.

[(4) Any person who has notified the attorney general in writing that there is reason to believe that some provision of this chapter is being or has been violated may himself bring in the name of the state any of the actions (hereinafter referred to as a citizen's action) authorized under this chapter if the attorney general has failed to commence an action hereunder within forty days after such notice and if the attorney general has failed to commence an action within ten days after a notice in writing delivered to the attorney general advising him that a citizen's action will be brought if the attorney general does not bring an action. If the person who brings the citizen's action prevails, he shall be entitled to one half of any judgment awarded, and to the extent the costs and attorney's fees he has incurred exceed his share of the judgment, he shall be entitled to be reimbursed for such costs and fees by the state of Washington: PROVIDED, That in the case of a citizen's action which is dismissed and which the court also finds was brought without reasonable cause, the court may order the person commencing the action to pay all costs of trial and reasonable attorney's fees incurred by the defendant.]

(4) Any person who has notified the attorney general and the prosecuting attorney in the county in which the violation occurred in writing that there is reason to believe that some provision of this chapter is being or has been violated may himself bring in the name of the state any of the actions (hereinafter referred to as a citizen's action) authorized under this chapter. This citizen action may be brought only if the attorney general and the prosecuting attorney have failed to commence an action hereunder within forty-five days after such notice and such person has thereafter further notified the attorney general and prosecuting attorney that said person will commence a citizen's action within ten days upon their failure so to do, and the attorney general and the prosecuting attorney have in fact failed to bring such action within ten days of receipt of said second notice. If the person who brings the citizen's action prevails, the judgment awarded shall escheat to the state, but he shall be entitled to be reimbursed by the state of Washington for costs and attorney's fees he has incurred: PROVIDED: That in the case of a citizen's action which is dismissed and which the court also finds was brought without reasonable cause, the court may order the person commencing the action to pay all costs of trial and reasonable attorney's fees incurred by the defendant.

(5) In any action brought under this section, the court may award to the state all costs of investigation and trial, including a reasonable attorney's fee to be fixed by the court. If the violation is found to have been intentional, the amount of the judgment, which shall for this purpose include the costs, may be trebled as punitive damages. If damages or trebled damages are awarded in such an action brought against a lobbyist, the judgment may be awarded against the lobbyist, and the lobbyist's employer or employers joined as defendants, jointly, severally, or both. If the defendant prevails, he shall be awarded all costs of trial, and may be awarded a reasonable attorney's fee to be fixed by the court to be paid by the state of Washington."

Renumber remaining sections consecutively.

Debate ensued.

Senators Newschwander, Clarke and Guess demanded the previous question and the demand was sustained.

Senator Grant demanded a roll call and the demand was sustained by Senators Bailey, Washington, Ridder, McDermott, Goltz, Woody, Jones, Lewis (R. H. "Bob") and Matson.

The President declared the question before the Senate to be the roll call on the amendment by Senators Gould and Lewis (R. H. "Bob") to the amendment by Senators Mardesich and Grant.

ROLL CALL

The Secretary called the roll and the amendment to the amendment was adopted by the following vote: Yeas, 30; nays, 18; excused, 1.

Voting yea: Senators Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Gould, Guess, Henry, Herr, Jolly, Keefe, Lewis (R. H. "Bob"), Mardesich, Marsh, Morrison, Newschwander, North, Odegaard, Pullen, Scott, Sellar, Talley, Van Hollebeke, Walgren, Wanamaker, Woody—30.

Voting nay: Senators Bailey, Fleming, Francis, Goltz, Grant, Jones, Knoblauch, Lewis (Harry), Matson, McDermott, Peterson, Rasmussen, Ridder, Sandison, Stortini, von Reichbauer, Washington, Wilson—18.

Excused: Senator Murray—1.

There being no objection, the amendments to pages 4 and 11 by Senator Mardesich to the amendment by Senators Mardesich and Grant were withdrawn.

Senator Mardesich moved adoption of the following amendments by Senators Mardesich and Scott to the amendment by Senators Mardesich and Grant:

On page 11, line 6, strike "each day" and insert "Monday through Friday, excluding legal holidays,"

On page 11, line 15, strike "each day" and insert "Monday through Friday, excluding legal holidays,"

On page 13, line 10, strike "each day" and insert "Monday through Friday, excluding legal holidays,"

On page 13, line 19, strike "each day" and insert "Monday through Friday, excluding legal holidays,"

Senator McDermott moved adoption of the following amendment to the amendment by Senators Mardesich and Scott to the amendment:

Amend the Mardesich/Scott Amendment to pages 11 and 13 as follows:

On page 11, line 6, strike "Friday" and insert "Saturday"

On page 11, line 15, strike "Friday" and insert "Saturday"

On page 13, line 10, strike "Friday" and insert "Saturday"

On page 13, line 19, strike "Friday" and insert "Saturday"

POINT OF ORDER

Senator Guess: "I object. The amendment by Senator McDermott is an amendment to an amendment to an amendment."

RULING BY THE PRESIDENT

The President: "Your point is well taken, Senator Guess."

The amendment by Senator McDermott was ruled out of order.

The motion by Senator Mardesich carried and the amendments to the amendment were adopted.

The Senate resumed consideration of the amendment by Senator Francis to the amendment by Senators Mardesich and Grant. Senator Francis had moved adoption of the following amendment earlier today:

On page 11, line 12, after "treasurer." strike all of subsection (7).

Debate ensued.

POINT OF INQUIRY

Senator Matson: "Would Senator Francis yield to a question? Senator Francis, in that subsection it says that these records shall be readily available for public inspection in the campaign headquarters or at the address of the campaign treasurer. Now in the unlikely event that I were your campaign treasurer and I had it in my home on my kitchen table before I worked it, does this mean that my house would be open to the public for two hours each day, five days a week?"

Senator Francis: "That is correct, Senator Matson, and I would add that that goes

just beyond this week or next week. There is no limit to that subsection. It is not tied to any other subsection so it is not talking about only up until twenty-one days after an election that you have contributed to. It looks like it is forever. There seems to be no limit whatsoever in this area and you are right, that means that you would open up your home. I also point out, you say campaign headquarters and campaign treasurer. Who is the campaign treasurer of a continuing political committee that is not a campaign committee? As far as I know it does not have a campaign treasurer. It has a treasurer of a continuing political committee. Is that what they mean? I do not know."

Further debate ensued.

POINT OF INQUIRY

Senator Donohue: "Will Senator Francis yield? I think I understand what you are trying to do and I want to be sure that I do. Are you saying that if my wife is my treasurer in my home that under this subsection that either she or I or someone would have to be there from eight a.m. to eight p.m. every day. You are trying to take it out but with it in here, that is exactly what would happen?"

Senator Francis: "Not quite, Senator Donohue. Two hours out of that period of eight a.m. to eight p.m. The two hours you would designate in your statement of organization, which two hours every day of every week you are going to keep it open."

Senator Donohue: "I guess my question is that, the thing that has been disturbing me here for the last fifteen minutes is that if my wife is my treasurer and I am working and I am not available and she decides to go play bridge and I have designated those two hours, am I telling her that she is going to have to stay there? If I do I am in trouble."

Senator Francis: "Number one, that, or a family friend or whoever it may be that is keeping those books for you and helping prepare your reports once a month, but beyond that if she does go off and play bridge then somebody is in violation of the law and probably guilty of a crime."

Further debate ensued.

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

Senator von Reichbauer moved adoption of the following amendment to the amendment by Senators Mardesich and Grant:

On page 7, line 3, following "proposition" insert "*or for the purpose of influencing, honoring, or benefiting any elected official when the aggregate value of such consideration exceeds \$500 during any preceding twelve month period*"

Debate ensued.

On motion of Senator Guess, the amendment by Senator von Reichbauer to the amendment was laid upon the table.

The motion by Senator Mardesich carried and the amendment by Senators Mardesich and Grant, as amended, was adopted.

On motion of Senator Gould, the following amendment by Senators Gould and Lewis (R. H. "Bob") to the title was adopted:

On page 37, line 26 of the title after "42.17.380;" insert "amending section 40, chapter 1, Laws of 1973 and RCW 42.17.400;"

On motion of Senator Mardesich, the following amendment by Senators Mardesich and Grant to the title was adopted:

On the unnumbered page preceding page 1 of the Senate Committee amendment, in line 2 after "insert" strike the remainder of the title amendment and insert:

"amending section 1, chapter 1, Laws of 1973 and RCW 42.17.010; amending section 2, chapter 1, Laws of 1973 and RCW 42.17.020; amending section 4, chapter 1, Laws of 1973 and RCW 42.17.040; amending section 6, chapter 1, Laws of 1973 and RCW 42.17.060; amending section 8, chapter 1, Laws of 1973 and RCW 42.17.080; amending section 9, chapter 1, Laws of 1973 and RCW 42.17.090; amending section 12, chapter 1, Laws of 1973 and RCW 42.17.120; amending section 16, chapter 1, Laws of 1973 and RCW 42.17.160; amending section 17, chapter 1, Laws of 1973 and RCW 42.17.170; amending section 18, chapter 1, Laws of 1973 and RCW 42.17.180;

amending section 19, chapter 1, Laws of 1973 and RCW 42.17.190; amending section 24, chapter 1, Laws of 1973 and RCW 42.17.240; amending section 26, chapter 1, Laws of 1973 and RCW 42.17.260; amending section 27, chapter 1, Laws of 1973 and RCW 42.17.270; amending section 29, chapter 1, Laws of 1973 and RCW 42.17.290; amending section 31, chapter 1, Laws of 1973 and RCW 42.17.310; amending section 32, chapter 1, Laws of 1973 and RCW 42.17.320; amending section 33, chapter 1, Laws of 1973 and RCW 42.17.330; amending section 34, chapter 1, Laws of 1973 and RCW 42.17.340; amending section 35, chapter 1, Laws of 1973 and RCW 42.17.350; amending section 36, chapter 1, Laws of 1973 and RCW 42.17.360; amending section 37, chapter 1, Laws of 1973 and RCW 42.17.370; amending section 38, chapter 1, Laws of 1973 and RCW 42.17.380; and adding new sections to chapter 42.17 RCW; creating new sections; and declaring an emergency."

PARLIAMENTARY INQUIRY

Senator McDermott: "Are we to understand now in the Senate that when the matter before us is an amendment to a whole amendment, in other words, a bill has become an amendment, and there is an amendment to the amendment on the desk, that the proper means for amending an amendment to the amendment is to first ask for a suspension of the rules and then go to an amendment?"

REPLY BY THE PRESIDENT

The President: "The President believes that that could be one possibility, Senator McDermott."

Senator McDermott: "Could you suggest another?"

The President: "The President already suggested one, to withdraw or defeat the proposed amendment and then put in an amendment containing your amendment to the amendment."

Senator McDermott: "But isn't the problem then, for instance, we had a situation where they were inserting a number and it is hard to tell whether it improves it so we took the numbers in three, five and ten and we considered — three was in the bill, we amended to ten and five was never considered and I am not quite sure how that occurred."

The President: "At this stage, the President is not either, Senator."

Senator McDermott: "Thank you, sir."

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator von Reichbauer moved that the Senate immediately reconsider the vote by which the amendment by Senators Mardesich and Grant, as amended, was adopted.

Debate ensued.

The motion for reconsideration by Senator von Reichbauer carried on a rising vote.

The President declared the question before the Senate to be, on reconsideration, adoption of the amendment by Senators Mardesich and Grant, as amended.

Senator von Reichbauer moved adoption of the following amendment to the amendment by Senators Mardesich and Grant:

On page 7, line 3, after "proposition" insert "*or for the purpose of influencing or honoring any elected official when the aggregate value of such consideration exceeds \$500 during any preceding twelve-month period*"

POINT OF ORDER

Senator Newschwander: "I believe that is the same amendment we had before, as far as intent is concerned. It is not substantially different than the amendment that we laid on the table."

RULING BY THE PRESIDENT

The President: "The words 'or benefiting' have been stricken from the amendment. The President believes that the amendment is in order."

Debate ensued.

On motion of Senator Guess, the amendment by Senator von Reichbauer to the amendment was laid upon the table on a rising vote.

The President declared the question before the Senate to be adoption, on reconsideration, of the amendment by Senators Mardesich and Grant as amended.

The amendment by Senators Mardesich and Grant, as amended, on reconsideration, was adopted.

On motion of Senator Beck the rules were suspended, Engrossed Second Substitute House Bill No. 827, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 827, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 32; nays, 16; excused, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Gould, Guess, Henry, Herr, Jolly, Jones, Keefe, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, North, Odegard, Peterson, Rasmussen, Sandison, Scott, Sellar, Walgren, Wanamaker, Woody—32.

Voting nay: Senators Bottiger, Fleming, Francis, Goltz, Grant, Knoblauch, McDermott, Newschwander, Pullen, Ridder, Stortini, Talley, Van Hollebeke, von Reichbauer, Washington, Wilson—16.

Excused: Senator Murray—1.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 827, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Mardesich, the Senate returned to the fourth order of business.

MESSAGES FROM THE HOUSE

June 4, 1975.

Mr. President: The Speaker has signed: ENGROSSED SUBSTITUTE SENATE BILL NO. 2408, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

June 3, 1975

Mr. President: The Speaker has signed:
SUBSTITUTE HOUSE BILL NO. 207,
HOUSE BILL NO. 620,

HOUSE JOINT MEMORIAL NO. 24, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

June 3, 1975.

Mr. President: The Speaker has signed:
SUBSTITUTE HOUSE BILL NO. 511,

HOUSE BILL NO. 536, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

June 4, 1975.

Mr. President: The House has concurred in the Senate amendments to HOUSE BILL NO. 962 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

MESSAGE FROM THE HOUSE

June 4, 1975.

Mr. President: The House has granted the request of the Senate for a conference on ENGROSSED HOUSE BILL NO. 587 and the Senate amendments thereto and the Speaker has appointed as members of the conference committee thereon: Representatives Patterson, Laughlin and Ceccarelli.

DEAN R. FOSTER, Chief Clerk.

MESSAGES FROM THE HOUSE

June 4, 1975.

Mr. President: The House has adopted the report of the Conference Committee on ENGROSSED HOUSE BILL NO. 173 and has granted said committee the powers of Free Conference.

DEAN R. FOSTER, Chief Clerk.

June 4, 1975.

Mr. President: The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 47,

HOUSE BILL NO. 144,

HOUSE BILL NO. 205,

HOUSE BILL NO. 230,

HOUSE BILL NO. 344,

HOUSE BILL NO. 350,

HOUSE BILL NO. 578,

HOUSE BILL NO. 707,

HOUSE BILL NO. 1043,

HOUSE BILL NO. 1077,

SUBSTITUTE HOUSE BILL NO. 1178, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 47,

HOUSE BILL NO. 144,

HOUSE BILL NO. 205,

HOUSE BILL NO. 230,

HOUSE BILL NO. 344,

HOUSE BILL NO. 350,

HOUSE BILL NO. 578,

HOUSE BILL NO. 707,

HOUSE BILL NO. 1043,

HOUSE BILL NO. 1077,

SUBSTITUTE HOUSE BILL NO. 1178.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 207,

SUBSTITUTE HOUSE BILL NO. 511,

HOUSE BILL NO. 536,

HOUSE BILL NO. 620,

HOUSE JOINT MEMORIAL NO. 24.

MOTION

On motion of Senator Mardesich, the Senate dispensed with the Call of the Senate.

MOTION

On motion of Senator Mardesich, the Senate returned to the third order of business.

MESSAGE FROM THE GOVERNOR

Office of the Governor, June 2, 1975.

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

LADIES AND GENTLEMEN:

I have the honor to advise that on June, 1975, Governor Evans approved the following Senate Bills, entitled:

SENATE BILL NO. 2032: Providing that renewal of school district superintendent's contracts be solely at the discretion of the employer school board.

SENATE BILL NO. 2109: Requiring the deposit of application and inspection fees in the motor vehicle fund.

SENATE BILL NO. 2124: Repealing laws relating to mine and market roads.

SENATE BILL NO. 2126: Permitting public utility districts to pay travel and living expenses of prospective employees.

SENATE BILL NO. 2227: Authorizing acquisition of surplus Expo facilities for Walla Walla Community College.

SENATE BILL NO. 2309: Establishing concurrent jurisdiction between the United States and Washington to veterans hospitals located at Vancouver, Walla Walla and American Lake.

SENATE BILL NO. 2332: Amending laws relating to insurers' assessments.

SUBSTITUTE SENATE BILL NO. 2526: Providing for the conservation and protection of archaeological resources.

SENATE BILL NO. 2607: Revising priorities for state highway improvements.

SUBSTITUTE SENATE BILL NO. 2654: Enlarging scope of school use for excise tax on real estate sales.

SUBSTITUTE SENATE BILL NO. 2725: Providing for state defense of state employees in criminal actions.

SENATE BILL NO. 2861: Exempting certain educational housing from provisions relating to unfair discrimination or as affecting civil rights.

SENATE BILL NO. 2904: Amending laws relating to the dairy commission and dairy products.

SENATE BILL NO. 2910: Increasing fee to county auditor appointed by the director to issue vehicle license plates.

Sincerely,
CHI-DOOH LI
Legal Counsel

MOTION

At 5:10 p.m., on motion of Senator Mardesich, the Senate recessed until 10:30 a.m., Thursday, June 5, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

EIGHTY-FOURTH DAY**MORNING SESSION**

Senate Chamber, Olympia, Thursday, June 5, 1975.

The Senate was called to order at 10:30 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bottiger, Matson, McDermott, Murray, Peterson, Rasmussen, Talley and Walgren. On motion of Senator Knoblauch, Senators Bottiger, McDermott, Talley and Walgren were excused. On motion of Senator Lewis (R. H. "Bob"), Senators Matson and Murray were excused.

The Color Guard, consisting of Pages Cynthia Tips and Lyle Peniston, presented the Colors. Reverend Paul J. Beeman, pastor of the First United Methodist Church of Olympia, offered the following prayer:

"O GOD, OUR CREATOR AND OUR LORD, WE COME TO YOU TODAY ON BEHALF OF THE SENATORS, FACED WITH ALL OF THE DIVIDED LOYALTIES AND AMBIGUOUS POSITIONS WHICH MAKE LIVING DIFFICULT FOR US ALL. BLESS THEM AS THEY STRUGGLE TO MAKE PEACE BETWEEN MORALITY OF BEHAVIOR ON ONE HAND AND FREEDOM OF HUMAN ACTION ON THE OTHER; AS THEY SEEK TO GUARANTEE HUMAN RIGHTS ON ONE HAND WHILE TRYING TO STOP SHORT OF TOP-HEAVY GOVERNMENT CONTROL ON THE OTHER; AND AS THEY SEEK A JUST AND ADEQUATE BUDGET TO MEET THE PUBLIC WELFARE ON THE ONE HAND, WHILE NOT OVER-BURDENING TAXPAYERS ON THE OTHER.

"THEIRS IS A DIFFICULT TASK, AND WE PRAY FOR EACH SENATOR A SENSE OF PERSONAL GRATIFICATION AT ENGAGING THE MAJOR ISSUES OF OUR TIME. GRANT TO THEM, ALSO, THE ASSURANCE OF DIVINE GUIDANCE AND SUSTAINING GRACE. OPEN BEFORE THEM TODAY, NEW AND PERHAPS UNEXPECTED SOLUTIONS TO ISSUES WHICH MUST BE DECIDED TODAY. WE OFFER OUR PRAYER IN THE NAME OF HIM WHOSE CLARITY OF MIND, DECISIVENESS OF THOUGHT AND UNAPOLOGETIC SERVICE HAVE MADE HIM OUR LORD, EVEN JESUS CHRIST. AMEN."

MOTION

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

PERSONAL PRIVILEGE

Senator Lewis (R. H. "Bob"): "Members of the Senate, I have reached that rather interesting situation in life in which my wife would rather not be taken out to dinner but would rather eat dinner at home and it happens to be her wedding anniversary today and I would like you to be especially kind to her as she celebrates her wedding anniversary and has to go out and have dinner tonight."

MESSAGE FROM THE HOUSE

June 3, 1975.

Mr. President: The House refuses to concur in the Senate amendments to ENGROSSED HOUSE BILL NO. 612 and asks the Senate to recede therefrom, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Van Hollebeke, the Senate refused to recede from the Senate amendments to Engrossed House Bill No. 612 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. 612 and the Senate amendments thereto: Senators Van Hollebeke, Jones and Peterson.

MOTION

On motion of Senator Mardesich, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

June 4, 1975.

Mr. President: The House refuses to concur in the Senate amendments to ENGROSSED HOUSE BILL NO. 154, and asks the Senate for a conference and the Speaker has appointed as members of the conference committee thereon: Representatives Warnke, Chandler and Kilbury, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Francis, the Senate refused to grant the request of the House for a conference on Engrossed House Bill No. 154 and adheres to its position on the Senate amendments and insists that the House concur therewith.

MESSAGE FROM THE HOUSE

May 28, 1975.

Mr. President: The House refuses to recede from its amendments to ENGROSSED SENATE BILL NO. 2346 to page 2, line 17, and page 2, line 25, and again asks the Senate to concur, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Mardesich, the Senate refused to concur in the House amendments to Engrossed Senate Bill No. 2346 and asks the House for a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Senate Bill No. 2346 and the House amendments thereto: Senators Woody, Matson and Stortini.

MOTION

On motion of Senator Mardesich, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

June 4, 1975.

Mr. President: The House has adopted the report of the Conference Committee on

ENGROSSED SUBSTITUTE HOUSE BILL NO. 32 and has granted said committee the powers of Free Conference.

DEAN R. FOSTER, Chief Clerk.

REPORT OF FREE CONFERENCE COMMITTEE

June 5, 1975.

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 32, conforming state minimum wage laws to federal laws, have had the same under consideration and recommend that the bill be amended as recommended by the Conference Committee.

Signed by: Senators Ridder, Morrison and Wilson; Representatives Savage and Parker.

MOTION

On motion of Senator Mardesich, the report of the Free Conference Committee on Engrossed Substitute House Bill No. 32 was adopted.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 32, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 25; nays, 17; absent or not voting, 1; excused, 6.

Voting yea: Senators Bailey, Beck, Buffington, Day, Fleming, Francis, Goltz, Grant, Henry, Herr, Jolly, Keefe, Knoblauch, Mardesich, Marsh, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Stortini, Van Hollebeke, von Reichbauer, Washington, Woody—25.

Voting nay: Senators Benitz, Bluechel, Clarke, Cunningham, Gould, Guess, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Morrison, Newschwander, North, Pullen, Scott, Sellar, Wanamaker, Wilson—17.

Absent or not voting: Senator Donohue—1.

Excused: Senators Bottiger, Matson, McDermott, Murray, Talley, Walgren—6.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 32, 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.

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

REPORT OF FREE CONFERENCE COMMITTEE

June 5, 1975.

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, to whom was referred ENGROSSED HOUSE BILL NO. 173, requiring school board directors when making available rules regarding pupil conduct, discipline, and rights to spell out rights and authority of teachers, have had the same under consideration, and recommend that the bill be amended as recommended by the Conference Committee.

Signed by: Senators Stortini, Gould and Odegaard; Representatives Clemente and Bauer.

MOTION

On motion of Senator Stortini, the report of the Free Conference Committee on Engrossed House Bill No. 173 was adopted.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 173,

as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 1; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Van Hollebeke, von Reichbauer, Walgren, Wana-maker, Washington, Wilson, Woody—44.

Absent or not voting: Senator Donohue—1.

Excused: Senators Bottiger, McDermott, Murray, Talley—4.

ENGROSSED HOUSE BILL NO. 173, 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

June 4, 1975.

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 2736 with the following amendments:

On page 1, strike everything after the enacting clause and insert the following:

"Section 1. Section 1, chapter 162, Laws of 1943 as last amended by section 79, chapter 195, Laws of 1973 1st ex. sess. and RCW 70.32.010 are each amended to read as follows:

Tuberculosis is a communicable disease and tuberculosis control, 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 *in accordance with the standards set by the secretary pursuant to RCW 70.33.020*, the legislative authority of each county enumerated in RCW 70.33.040 shall budget and [shall levy annually a tax in] *appropriate* a sum [equal to the amount which would be raised by a levy of six and one-quarter cents per thousand dollars of assessed value against the taxable property in any county enumerated in RCW 70.33.040.] to be used for the control of tuberculosis, including case finding, prevention and follow up of known cases of tuberculosis[: PROVIDED, That upon certification of the secretary that any such county has an unexpended balance from such levy, over and above the amount required for adequate tuberculosis control, including case finding, prevention and follow up of known cases of tuberculosis within such county, the 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 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 as furnish to the legislative authority and the department a monthly report of receipts and disbursements in the tuberculosis fund, which report shall also show balances of cash on hand].

Sec. 2. Section 18, chapter 277, Laws of 1971 as amended by section 81, chapter 195, Laws of 1973 1st ex. sess. and by section 4, chapter 213, Laws of 1973 1st ex. sess. and RCW 70.33.040 are each amended and reenacted to read as follows:

In order to maintain adequate tuberculosis hospital facilities and to provide for adequate hospitalization, nursing home and other appropriate facilities and services for the residents of the state of Washington who are or may be suffering from tuberculosis and to assure their proper care [pursuant to this chapter], the standards set by the secretary pursuant to RCW 70.33.020 and [RCW 70.32.010,] 70.32.050[,] and 70.32.060

[and 70.32.090], 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 [levy annually a tax in the sum equal to the amount which would be raised by a levy of six and one-quarter cents per thousand dollars of assessed value against the taxable property] *budget and appropriate annually a sum to provide such services in the county.*

If such counties desire to receive state services, they may elect to utilize funds collected pursuant to this section for the purpose of contracting with the state upon agreement by the state for the cost of providing tuberculosis hospitalization and/or outpatient treatment including laboratory services, or such funds may be retained by the county for operating its own services for the prevention and treatment of tuberculosis or any other community health purposes authorized by law. None of such counties shall be required to make any payments to the state or any other agency from these funds except upon the express consent of the county legislative authority: PROVIDED, That if the counties do not comply with the promulgated standards of the department the secretary shall take action to provide such required services and to charge the affected county directly for the provision of these services by the state.

Sec. 3. Section 82.04.120, chapter 15, Laws of 1961 as amended by section 3, chapter 173, Laws of 1965 ex. sess. and RCW 82.04.120 are each amended to read as follows:

"To manufacture" embraces all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different or useful substance or article of tangible personal property is produced for sale or commercial or industrial use, and shall include the production or fabrication of special made or custom made articles, and the generation or production of electrical energy for resale or consumption outside the state.

"To manufacture" shall not include activities which consist of cutting, grading, or ice glazing sea-food which has been cooked, frozen or canned outside this state.

Sec. 4. Section 82.04.260, chapter 15, Laws of 1961 as last amended by section 5, chapter 281, Laws of 1971 ex. sess. and RCW 82.04.260 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of buying wheat, oats, dry peas, corn, rye and barley, but not including any manufactured or processed products thereof, and selling the same at wholesale; the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of one one-hundredth of one percent.

(2) Upon every person engaging within this state in the business of manufacturing wheat into flour; as to such persons the amount of tax with respect to such business shall be equal to the value of the flour manufactured, multiplied by the rate of one-eighth of one percent.

(3) Upon every person engaging within this state in the business of splitting or processing dried peas; as to such persons the amount of tax with respect to such business shall be equal to the value of the peas split or processed, multiplied by the rate of one-quarter of one percent.

(4) Upon every person engaging within this state in the business of manufacturing seafood products which remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing by that person; as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured, multiplied by the rate of one-eighth of one percent.

(5) Upon every person engaging within this state in the business of manufacturing by canning, preserving, freezing or dehydrating fresh fruits and vegetables; as to such persons the amount of tax with respect to such business shall be equal to the value of the products canned, preserved, frozen or dehydrated multiplied by the rate of three-tenths of one percent.

(6) Upon every person engaging within this state in the business of manufacturing aluminum pig, ingot, billet, plate, sheet (flat or coiled), rod, bar, wire, cable or extrusions; as to such persons the amount of the tax with respect to such business shall be

equal to the value of the products manufactured multiplied by the rate of four-tenths of one percent.

(7) Upon every nonprofit corporation and nonprofit association engaging within this state in research and development, as to such corporations and associations, the amount of tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of forty-four one-hundredths of one percent.

(8) Upon every person engaging within this state in the business of slaughtering, breaking and/or processing perishable meat products and/or selling the same at wholesale; as to such persons the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of thirty-three one-hundredths of one percent.

(9) Upon every person engaging within this state in the business of making sales, at retail or wholesale, of nuclear fuel assemblies manufactured by that person, as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the assemblies multiplied by the rate of twenty-five one-hundredths of one percent.

(10) Upon every person engaging within this state in the business of manufacturing nuclear fuel assemblies, as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured multiplied by the rate of twenty-five one-hundredths of one percent.

(11) *Upon every person engaging within this state in the business of acting as a travel agent; as to such persons the amount of the tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of twenty-five one-hundredths of one percent.*

Sec. 5. Section 2, chapter 169, Laws of 1974 ex. sess. and RCW 82.04.442 are each amended to read as follows:

For each of the calendar years 1974 through 1983, a percentage as set forth below, of any personal property taxes paid before delinquency after May 10, 1974 by any taxpayer upon business inventories during the same calendar year shall be allowed as a credit against the total of any taxes imposed on such taxpayer or its successor by chapter 82.04 RCW (business and occupation tax), as follows: *PROVIDED, That for those taxpayers paying one hundred percent of 1974 property taxes on business inventories on or before May 10, 1974, a credit of five percent of such amount shall be allowed in a subsequent year in addition to any other amount of credit otherwise available to the taxpayer under this section*

Inventory taxes paid in 1974	ten percent
Inventory taxes paid in 1975	twenty percent
Inventory taxes paid in 1976	thirty percent
Inventory taxes paid in 1977	forty percent
Inventory taxes paid in 1978	fifty percent
Inventory taxes paid in 1979	sixty percent
Inventory taxes paid in 1980	seventy percent
Inventory taxes paid in 1981	eighty percent
Inventory taxes paid in 1982	ninety percent
Inventory taxes paid in 1983	one hundred percent

Sec. 6. Section 4, chapter 169, Laws of 1974 ex sess. and RCW 82.04.443 are each amended to read as follows:

For the purposes of this chapter:

"Business inventories" means all livestock and means personal property acquired or produced solely for the purpose of sale, or for the purpose of consuming such property in producing for sale a new article of tangible personal property of which such property becomes an ingredient or component. *Business inventories shall not mean personal property acquired or produced for the purpose of lease or rental.* It shall include inventories of finished goods and work in process.

"Successor" shall have the meaning given to it in RCW 82.04.180.

Sec. 7. Section 82.04.460, chapter 15, Laws of 1961 and RCW 82.04.460 are each amended to read as follows:

(1) Any person rendering services taxable under RCW 82.04.290 and main-

taining places of business both within and without this state which contribute to the rendition of such services shall, for the purpose of computing tax liability under [this chapter] RCW 82.04.290, apportion to this state that portion of his gross income which is derived from services rendered within this state. Where such apportionment cannot be accurately made by separate accounting methods, the taxpayer shall apportion to this state that proportion of his total income which the cost of doing business within the state bears to the total cost of doing business both within and without the state.

(2) Notwithstanding the provision of subsection (1) of this section, persons doing business both within and without the state who receive gross income from service charges, as defined in RCW 63.14.010(8) (relating to amounts charged for granting the right or privilege to make deferred or installment payments) or who receive gross income from engaging in business as financial institutions within the scope of chapter 82.14A RCW (relating to city taxes on financial institutions) shall apportion or allocate gross income taxable under RCW 82.04.290 to this state pursuant to rules promulgated by the department.

Sec. 8. Section 82.08.030, chapter 15, Laws of 1961 as last amended by section 1, chapter 185, Laws of 1974 ex. sess. and RCW 82.08.030 are each amended to read as follows:

The tax hereby levied shall not apply to the following sales:

(1) Casual and isolated sales of property or service, unless made by a person who is engaged in a business activity taxable under chapters 82.04, 82.16 or 82.28 RCW: PROVIDED, That the exemption provided by this paragraph shall not be construed as providing any exemption from the tax imposed by chapter 82.12 RCW;

(2) Sales made by persons in the course of business activities with respect to which tax liability is specifically imposed under chapter 82.16 RCW, when the gross proceeds from such sales must be included in the measure of the tax imposed under said chapter;

(3) The distribution and newsstand sale of newspapers;

(4) Sales which the state is prohibited from taxing under the Constitution of this state or the Constitution or laws of the United States;

(5) Sales of motor vehicle fuel used in aircraft by the manufacturer thereof for research, development, and testing purposes and sales of motor vehicle fuel taxable under chapter 82.36 RCW: PROVIDED, That the use of any such fuel upon which a refund of the motor vehicle fuel tax has been obtained shall be subject to the tax imposed by chapter 82.12 RCW;

(6) Sales (including transfers of title through decree of appropriation) heretofore or hereafter made of the entire operating property of a publicly or privately owned public utility, or of a complete operating integral section thereof, to the state or a political subdivision thereof for use in conducting any business defined in subdivisions (1), (2), (3), (4), (5), (6), (7), (8), (9), (10) or (11) of RCW 82.16.010;

(7) Auction sales made by or through auctioneers of tangible personal property (including household goods) which have been used in conducting a farm activity, when the seller thereof is a farmer and the sale is held or conducted upon a farm and not otherwise;

(8) Sales to 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 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, floods, and other national calamities and to devise and carry on measures for preventing the same;

(9) Sales of purebred livestock for breeding purposes where the animals are registered in a nationally recognized breed association; sales of cattle and milk cows used on the farm;

(10) Sales of tangible personal property (other than the type referred to in subdivision (11) hereof) for use by the purchaser in connection with the business of operating as a private or common carrier by air, rail, or water in interstate or foreign commerce: PROVIDED, That any actual use of such property in this state shall, at the time of such

actual use, be subject to the tax imposed by chapter 82.12 RCW;

(11) Sales of airplanes, locomotives, railroad cars, or watercraft for use in conducting interstate or foreign commerce by transporting therein or therewith property and persons for hire or for use in conducting commercial deep sea fishing operations outside the territorial waters of the state; also sales of tangible personal property which becomes a component part of such airplanes, locomotives, railroad cars, or watercraft, and of motor vehicles of trailers whether owned by or leased with or without drivers and 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, in the course of constructing, repairing, cleaning, altering, or improving the same; also sales of or charges made for labor and services rendered in respect to such constructing, repairing, cleaning, altering, or improving;

(12) Sales of motor vehicles and trailers to be used for the purpose of transporting therein persons or property for hire in interstate or foreign commerce whether such use is by the owner or whether such motor vehicles and trailers are leased to the user with or without drivers: PROVIDED, That the purchaser or user must be the holder of a carrier permit issued by the Interstate Commerce Commission and that the vehicles will first move upon the highways of this state from the point of delivery in this state to a point outside of this state under the authority of a one-transit permit issued by the director of motor vehicles pursuant to the provisions of RCW 46.16.100;

(13) Sales of motor vehicles and trailers to nonresidents of this state for use outside of this state, even though delivery be made within this state, but only when (a) the vehicles or trailers will be taken from the point of delivery in this state directly to a point outside this state under the authority of a one-transit permit issued by the director of motor vehicles pursuant to the provisions of RCW 46.16.100, or (b) said motor vehicles and trailers will be registered and licensed immediately under the laws of the state of the purchaser's residence, will not be used in this state more than three months, and will not be required to be registered and licensed under the laws of this state;

(14) Sales to nonresidents of this state for use outside of this state of tangible personal property which becomes a component part of any machinery or other article of personal property belonging to such nonresident, in the course of installing, repairing, cleaning, altering, or improving the same and also sales of or charges made for labor and services rendered in respect to any installing, repairing, cleaning, altering, or improving, of personal property of or for a nonresident, but this subsection (14) shall apply only when the seller agrees to, and does, deliver the property to the purchaser at a point outside this state, or delivers the property to a common or bona fide private carrier consigned to the purchaser at a point outside this state;

(15) Sales to nonresidents of this state for use outside of this state of watercraft requiring coast guard registration or registration by the state of principal use according to the Federal Boating Act of 1958, even though delivery be made within this state, but only when (a) the watercraft will not be used within this state for more than forty-five days and (b) an appropriate exemption certificate supported by identification ascertaining residence as provided by the department of revenue and signed by the purchaser or his agent establishing the fact that the purchaser is a nonresident and that the watercraft is for use outside of this state, one copy to be filed with the department of revenue with the regular report and a duplicate to be retained by the dealer.

(16) Sales of poultry for use in the production for sale of poultry or poultry products.

(17) Sales to nonresidents of this state for use outside of this state of machinery and implements for use in conducting a farming activity, when such machinery and implements will be transported immediately outside the state. As proof of exemption, an affidavit or certification in such form as the department of revenue shall require shall be made for each such sale, to be retained as a business record of the seller.

(18) Sales for use in states, territories and possessions of the United States which are not contiguous to any other state, but only when, as a necessary incident to the contract of sale, the seller delivers the subject matter of the sale to the purchaser or his designated agent at the usual receiving terminal of the carrier selected to transport the goods,

under such circumstances that it is reasonably certain that the goods will be transported directly to a destination in such noncontiguous states, territories and possessions.

(19) Sales to municipal corporations, the state, and all political subdivisions thereof of tangible personal property consumed and/or of labor and services rendered in respect to contracts for watershed protection and/or flood prevention. This exemption shall be limited to that portion of the selling price which is reimbursed by the United States government according to the provisions of the Watershed Protection and Flood Prevention Act, Public Laws 566, as amended;

(20) Sales of semen for use in the artificial insemination of livestock;

(21) Sales to nonresidents of this state of tangible personal property for use outside this state when the purchaser has applied for and received from the department of revenue a permit certifying (1) that he is a bona fide resident of a state or possession or Province of Canada other than the state of Washington, (2) that such state, possession, or Province of Canada does not impose a retail sales tax or use tax of three percent or more or, if imposing such a tax, permits Washington residents exemption from otherwise taxable sales by reason of their residence, and (3) that he does agree, when requested, to grant the department of revenue access to such records and other forms of verification at his place of residence to assure that such purchases are not first used substantially in the state of Washington.

Any person claiming exemption from retail sales tax under the provisions of this subsection must display a nonresident permit as herein provided, and any vendor making a sale to a nonresident without collecting the tax must examine such permit, identify the purchaser as the person to whom the nonresident permit was issued, and maintain records which shall show the permit number attributable to each nontaxable sale.

Permits shall be personal and nontransferable, shall be renewable annually, and shall be issued by the department of revenue upon payment of a fee of one dollar. The department may in its discretion designate independent agents for the issuance of permits, according to such standards and qualifications as the department may prescribe. Such agents shall pay over and account to the department for all permit fees collected, after deducting as a collection fee the sum of fifty cents for each permit issued.

Any person making fraudulent statements in order to secure a permit shall be guilty of perjury. Any person making tax exempt purchases by displaying a permit not his own, or a counterfeit permit, with intent to violate the provisions of this subsection shall be guilty of a misdemeanor and, in addition, may be subject to a penalty not to exceed the amount of the tax due on such purchases. Any vendor who makes sales without collecting the tax to a person who does not hold a valid permit, and any vendor who fails to maintain records of permit numbers as provided in this section shall be personally liable for the amount of tax due.

(22) Sales of form lumber to 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.

(23) Sales of, cost of, or charges made for labor and services performed in respect to the mining, sorting, crushing, screening, washing, hauling, and stockpiling of sand, gravel and 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 sales of, cost of, or charges made for such labor and services, if the sand, gravel, or rock is used for other than public road purposes or is sold otherwise than as provided for in this subsection.

(24) Sales of wearing apparel to persons who themselves use such wearing apparel

only as a sample for display for the purpose of effecting sales of goods represented by such sample.

(25) Sales of pollen.

(26) Sales to 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.

(27) The renting or leasing of motor vehicles and trailers to a nonresident of this state for use 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 for purposes of this exemption the term "nonresident" shall apply to a renter or lessee 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 renter's or lessee's place of business in another state.

(28) Sales of prescription drugs. The term "prescription drugs" shall include any medicine, drug, prescription lens, or other substance other than food for use in the diagnosis, cure, mitigation, treatment, or prevention of disease or other ailment [in humans ordered by the written direction of a dentist, physician, or other person duly authorized by law of this state or laws of another jurisdiction to issue such written order] or intended to affect any function of the body of humans ordered by (a) the written prescription to a pharmacist by a practitioner authorized by law of this state or laws of another jurisdiction to issue prescriptions, or (b) upon an oral prescription of such practitioner which is reduced promptly to writing and filed by a duly licensed pharmacist, or (c) by refilling any such written or oral prescription if such refilling is authorized by the prescriber either in the original prescription or by oral order which is reduced promptly to writing and filed by the pharmacist, or (d) physicians or optometrists by way of written directions and specifications for the preparation, grinding, and fabrication of lenses intended to aid or correct visual defects or anomalies of human.

(29) Sales of returnable containers for beverages and foods, including but not limited to soft drinks, milk, beer, and mixers where the consumer returns the container and the vendor refunds the sales tax on the selling price of the container.

(30) Sales of insulin, prosthetic devices, and medically prescribed oxygen.

Sec. 9. Section 82.08.050, chapter 15, Laws of 1961 as last amended by section 7, chapter 299, Laws of 1971 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 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 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. *If the seller is a corporation, any officer or employee thereof who has the authority or responsibility for reporting and paying to the department taxes collected pursuant to this chapter shall be personally liable, jointly with any other such officer or employee and severally, for any willful failure to so report and pay, and all of the provisions of chapter 82.32 RCW for collection of the tax may be enforced against any such officer or employee as against the corporation which they represent. The personal liability of such officer as provided herein shall survive the dissolution of the corporation.*

In case any seller fails to collect the tax herein imposed or having collected the tax, fails to pay it to the 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 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 *if not so separately stated*, for purposes of determining the tax due from the buyer to the seller and from the seller to the 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 department, the 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 department; and all of the provisions of chapter 82.32 RCW, 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 RCW, 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. 10. Section 82.12.030, chapter 15, Laws of 1961 as last amended by section 2, chapter 185, Laws of 1974 ex. sess. and RCW 82.12.030 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 RCW 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 RCW 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 RCW;

(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 a rcraft by the manufacturer thereof for research, development, and testing purposes and motor vehicle fuel taxable under chapter 82.36 RCW: 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 crry 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 RCW or chapter 82.12 RCW;

(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 construction, repairing, decorating or improving of new or existing buildings of 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 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.

(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.

(23) In respect to the use of prescription drugs. The term "prescription drugs" shall include any medicine, drug, prescription lens, or other substance other than food for use in the diagnosis, cure, mitigation, treatment, or prevention of disease or other ailment [in humans ordered by the written direction of a dentist, physician or other person duly authorized by law of this state or laws of another jurisdiction to issue such written order] or intended to affect any function of the body of humans ordered by (a) the written prescription to a pharmacist by a practitioner authorized by law of this state or laws of another jurisdiction to issue prescriptions, or (b) upon an oral prescription of such practitioner which is reduced promptly to writing and filed by a duly licensed pharmacist, or (c) by refilling any such written or oral prescription if such refilling is authorized by the prescriber either in the original prescription or by oral order which is reduced promptly to writing and filed by the pharmacist, or (d) physicians or optometrists

by way of written directions and specifications for the preparation, grinding, and fabrication of lenses intended to aid or correct visual defects or anomalies of humans.

(24) In respect to the use of returnable containers for beverages and foods, including but not limited to soft drinks, milk, beer, and mixers where the consumer returns the container and the vendor refunds the sales tax on the selling price of the container.

(25) In respect to the use of insulin, prosthetic devices, and medically prescribed oxygen.

Sec. 11. Section 82.12.040, chapter 15, Laws of 1961 as last amended by section 11, chapter 299, Laws of 1971 ex. sess. 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 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 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 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. *If the seller is a corporation, any officer or employee thereof who has the authority or responsibility for reporting and paying to the department taxes collected pursuant to this chapter shall be personally liable, jointly with any other such officer or employee and severally, for any willful failure to so report and pay, and all of the provisions of chapter 82.32 RCW for collection of the tax may be enforced against any such officer or employee as against the corporation which they represent. The personal liability of such officer as provided herein shall survive the dissolution of the corporation.*

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 83.01.010, chapter 15, Laws of 1961 as amended by section 15, chapter 26, Laws of 1967 ex. sess. and RCW 83.01.010 are each amended to read as follows:

For the purposes of this title, unless otherwise required by the context:

(1) "Supervisor" means and refers to the director of revenue of the state of Washington;

(2) "Tax commission", "commission" or "department" means the department of revenue of the state of Washington;

(3) "Taxpayer" includes any individual, group of individuals, corporation, or association liable for any tax or the collection of any tax under the provisions of this title, or who engages in any business or performs any act for which a tax is imposed by this title;

(4) *"Adopted child" means any person who has not reached his or her eighteenth birthday on the date of adoption, or a person who was adopted more than five years prior to the death of the decedent;*

(5) Words in the singular number shall include the plural and the plural shall include the singular;

[(5)] (6) Words in one gender shall include all other genders.

Sec. 13. Section 84.36.020, chapter 15, Laws of 1961 as last amended by section 1, chapter 40, Laws of 1973 2nd ex. sess. and RCW 84.36.020 are each amended to read as follows:

The following property shall be exempt from taxation:

All lands, and buildings required for necessary administration and maintenance, used, or to the extent used, exclusively for public burying grounds or cemeteries without discrimination as to race, color, national origin or ancestry;

All churches and the ground, not exceeding five acres in area, upon which a church of any nonprofit recognized religious denomination is or shall be built, together with a parsonage [and], convent, and buildings and improvements required for the maintenance and safeguarding of such property. The area exempted shall in any case include all ground covered by the church, parsonage [and], convent, and buildings and improvements required for the maintenance and safeguarding of such property 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 church, parsonage, [and] convent, and buildings and improvements required for the maintenance and safeguarding of such property, shall not exceed the equivalent of one hundred twenty by one hundred twenty feet except where additional unoccupied land may be required to conform with state or local codes, zoning, or licensing requirements. The parsonage and convent need not be on land contiguous to the church property. To be exempt the property must be wholly used for church purposes: PROVIDED, That the loan or rental of property otherwise exempt under this paragraph to a nonprofit organization, association, or corporation, or school for use for an eleemosynary activity shall not nullify the exemption provided in this paragraph if the rental income, if any, is reasonable and is devoted solely to the operation and maintenance of the property.

NEW SECTION. Sec. 14. The real and personal property of the administrative offices of nonprofit recognized religious organizations shall be exempt to the extent that the property is used for the administration of the religious programs of the organization and such other programs as would be exempt under chapter 84.36 RCW as now or hereafter amended.

Sec. 15. Section 1, chapter 182, Laws of 1974 ex. sess. and RCW 84.36.381 are each amended to read as follows:

A person shall be exempt from any legal obligation to pay all or a portion of the amount of excess and regular real property taxes due and payable in the year following the year in which a claim is filed 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 was occupied by the person claiming the exemption as a principal place of residence as of January 1st of the year for which the claim is filed 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: PROVIDED, That any person who sells, transfers, or is displaced from his or her residence may transfer his or her exemption status to a replacement residence, but no claimant shall receive an exemption on more than one residence in any year [.] ;

(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 or if the person claiming the exemption lives in a cooperative housing association, corporation, or partnership, such person must own a share therein representing the unit or portion of the structure in which he or she resides. 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) 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
\$5,000 or less	One hundred percent
\$5,001 — \$6,000	Fifty percent

PROVIDED, HOWEVER, That, in addition, any person, who otherwise qualifies under the provisions of this section, and is within the income range of four thousand dollars or less shall be exempt from any obligation to pay regular property taxes on up to five thousand dollars of valuation of his or her residence: PROVIDED FURTHER, That only two-thirds of any social security benefits, federal civil service retirement, or railroad retirement pension shall be considered as income for the purposes of this section: *AND PROVIDED FURTHER, That the gain realized by any person from the sale, transfer, or upon being displaced from his or her residence shall not be considered as income for the purposes of this section if reinvested in a replacement residence within eighteen months of its realization.*

Sec. 16. Section 2, chapter 182, Laws of 1974 ex. sess. and RCW 84.36.383 are each amended to read as follows:

As used in this chapter, except where the context clearly indicates a different meaning:

(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 such dwelling stands not to exceed one acre. *The term shall also include a share ownership in a cooperative housing association, corporation, or partnership if the person claiming exemption can establish that his or her share represents the specific unit or portion of such structure in which he or she resides.* 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 "real property" except for the purposes of chapters 84.56 and 84.60 RCW, shall also include a mobile home which has substantially lost its identity as a mobile unit by virtue of its being fixed in location upon land owned or leased by the owner of the mobile home and placed on a foundation (posts or blocks) with fixed pipe, connections with sewer, water, or other utilities.

(3) The term "preceding calendar year" shall mean the calendar year preceding the year in which the claim for exemption is to be made.

(4) "Department" shall mean the state department of revenue.

Sec. 17. Section 3, chapter 182, Laws of 1974 ex. sess. and RCW 84.36.385 are each amended to read as follows:

Claims for exemption or a renewal affidavit under RCW 84.36.381, *as now or hereafter amended*, 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 no claim for exemption shall be rejected for failure to make timely filing if the assessor shall determine that good cause existed for the failure to make timely filing.*

[Claims under RCW 84.36.381 through 84.36.389 in 1974 shall be filed between January 2 and August 1, 1974.]

— In January of each year the county assessor shall mail renewal affidavits for exemption to each person approved for exemption during the previous year.

If the assessor finds that the applicant does not meet the qualifications as set forth in

RCW 84.36.381, as now or hereafter amended, the claim shall be denied but such denial shall be subject to appeal under the provisions of RCW 84.48.010(5). If the applicant had received exemption in prior years based on erroneous information, the taxes shall be collected subject to penalties as provided in RCW 84.40.130 for a period of not to exceed three years.

The department and each local assessor is hereby directed to publicize the qualifications and manner of making claims pursuant to this chapter, through communications media, including such paid advertisements or notices as it deems appropriate. Whenever possible notice of the qualifications, method of making applications and availability of further information shall be included with property tax statements.

Sec. 18. Section 4, chapter 182, Laws of 1974 ex. sess. and RCW 84.36.387 are each amended to read as follows:

(1) 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 of contract is required to pay real estate taxes, by such holder or by the owner, either before two witnesses or the county [treasurer] assessor or his deputy in the county where the real property is located: *PROVIDED, That if a claim for exemption is made by a person living in a cooperative housing association, corporation, or partnership, such claim shall be made and signed by the person entitled to the exemption and by the authorized agent of such cooperative.*

(2) If the taxpayer is unable to submit his own claim, the claim shall be submitted by a duly authorized agent or by a guardian or other person charged with the care of the person or property of such taxpayer.

(3) Any person signing a false claim with the intent to defraud or evade the payment of any tax shall be guilty of the offense of perjury.

(4) *The tax liability of a cooperative housing association, corporation, or partnership shall be reduced by the amount of tax exemption to which a claimant residing therein is entitled and such cooperative shall reduce any amount owned by the claimant to the cooperative by such exact amount of tax exemption or, if no amount be owned, the cooperative shall make payment to the claimant of such exact amount of exemption.*

Sec. 19. Section 8, chapter 169, Laws of 1974 ex. sess. and RCW 84.36.470 are each amended to read as follows:

[All animals, birds, or insects, and all agricultural crops.] *Any agricultural or horticultural produce or crop, including any animal, bird, or insect, or the milk, eggs, wool, fur, meat, honey, or other substance obtained therefrom grown or produced for sale by any person upon his own lands or upon lands in which he has a present right of possession who is exempted from payment of business and occupation tax pursuant to RCW 82.04.330 as now or hereafter amended shall be assessed for the purposes of ad valorem taxes according to the following schedule:*

Commencing with assessment as of January 1, 1975, for taxes due in 1976 the assessment level shall be seventy-five percent of true and fair value.

Commencing with assessment as of January 1, 1976, for taxes due in 1977 the assessment level shall be seventy percent of true and fair value.

Commencing with assessment as of January 1, 1977, for taxes due in 1978 the assessment level shall be sixty percent of the true and fair value.

Commencing with assessment as of January 1, 1978, for taxes due in 1979 the assessment level shall be fifty percent of true and fair value.

Commencing with assessment as of January 1, 1979, for taxes due in 1980 the assessment level shall be forty percent of true and fair value.

Commencing with assessment as of January 1, 1980, for taxes due in 1981 the assessment level shall be thirty percent of true and fair value.

Commencing with assessment as of January 1, 1981, for taxes due in 1982 the assessment level shall be twenty percent of true and fair value.

Commencing with assessment as of January 1, 1982, for taxes due in 1983 the assessment level shall be ten percent of true and fair value.

Commencing with assessment as of January 1, 1983, assessments for taxes due in

1984 such inventories shall be fully exempt under chapter 84.36 RCW.

Commencing with January 1, 1983, assessments for taxes due in 1984, taxpayers shall not be required to report, or assessors to list, the inventories covered by this phase out exemption.

Nothing in this section shall be construed to remove or otherwise affect any exemption from assessment granted by RCW 84.44.060.

Sec. 20. Section 9, chapter 40, Laws of 1973 2nd ex. sess. and RCW 84.36.815 are each amended to read as follows:

In order to qualify [or requalify] for exempt status for real or personal property pursuant to the provisions of chapter 84.36 RCW, as now or hereafter amended, all foreign national governments, churches, cemeteries, nongovernmental nonprofit corporations, organizations, and associations, private schools or colleges, and soil and water conservation districts [must] *shall* file an [annual renewal] *initial* application [verifying the facts in the original claim] *on or before March 31* with the state department of revenue. All [application forms shall be signed by an authorized agent of the applicant. Such] applications [must] *shall* be filed on forms prescribed by the department [of revenue no later than March 31 of each year. The department of revenue may provide by rule that such applications may be available at and filed with each county assessor and forwarded to the department of revenue for review] *and shall be signed by an authorized agent of the applicant.*

In order to requalify for exempt status, such applicants except nonprofit cemeteries shall file a renewal application on or before March 31 of the fourth year following the date of such initial application and on or before March 31 of every fourth year thereafter: PROVIDED, That where an applicant previously granted exemption acquires or otherwise converts real property to exempt status, such applicant shall file a renewal application no later than sixty days following the conversion of such real property to exempt status. Failure to file a renewal application within sixty days of conversion of such real property to exempt status shall nullify the exemption otherwise available for such property in the year of such conversion.

Sec. 21. Section 11, chapter 40, Laws of 1973 2nd ex. sess. and RCW 84.36.825 are each amended to read as follows:

An application fee of thirty-five dollars for each [annual] *initial and renewal* application [for exemption] shall be *required and shall be* deposited within the general fund. Applications made for assessment year 1974 [will], *if approved, shall be* considered initial applications whether or not an exemption has previously been approved: *PROVIDED, That application fees for renewal applications submitted for assessment year 1975 are hereby cancelled and such fees collected by the department shall be refunded.*

Sec. 22. Section 19, chapter 40, Laws of 1973 2nd ex. sess. and RCW 84.36.865 are each amended to read as follows:

The department of revenue of the state of Washington shall make such rules and regulations consistent with chapter 34.04 RCW and the provisions of this [1973 amendatory act] *chapter* as shall be necessary or desirable to permit its effective administration.

Sec. 23. Section 84.69.020, chapter 15, Laws of 1961 as last amended by section 2, chapter 122, Laws of 1974 ex. sess. and RCW 84.69.020 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 or pursuant to RCW 84.36.370 and 84.36.380] *RCW 84.36.381 through 84.36.389, as nor or hereafter amended; or*

(8) 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 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 county board of equalization and ordered reduced by the board; or

(10) 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 under subsections (9) and (10) 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.

(11) Paid as a state property tax levied upon county assessed property, the assessed value of which has been established by the state board of tax appeals for the year of such levy: PROVIDED, HOWEVER, That the amount refunded shall only be for the difference between the state property tax paid and the amount of state property tax which would, when added to all other property taxes within the one percent limitation of Article VII, section 2 (Amendment 59) of the state Constitution equal one percent of the assessed value established by the board.

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), (10), and (11).

NEW SECTION. Sec. 24. There is added to chapter 15, Laws of 1961 and to chapter 84.36 RCW a new section to read as follows:

The following property shall be exempt from taxation: The real and personal property of a nonprofit fair association that sponsors or conducts a fair or fairs which receive support from revenues collected pursuant to RCW 67.16.100 and allocated by the director of the department of agriculture. The loan or rental of property otherwise exempt under this section to a nonprofit organization, association, or corporation, or municipal corporation shall not nullify the exemption provided in this section if the rental income, if any, is reasonable and is devoted solely to the operation and maintenance of the property. The loan or rental of property otherwise exempt under this section to a private concessionaire or to any person for use as a concession in conjunction with activities permitted under this section shall not nullify the exemption if the concession charges are subject to agreement and the rental income, if any, is reasonable and is devoted solely to the operation and maintenance of the property.

NEW SECTION. Sec. 25. There is added to chapter 15, Laws of 1961 and to chapter 84.36 RCW a new section to read as follows:

All property owned in fee or by contract purchase by any nonprofit corporation or association which is available without charge for research by, or for the training of, doctors, laboratory technicians, hospital administrators and staff or other medical personnel, and which otherwise is used exclusively for medical research, the results of which will be available without cost to the public, shall be exempt from ad valorem taxation.

NEW SECTION. Sec. 26. The following acts or parts of acts are each hereby repealed:

(1) Section 3, chapter 117, Laws of 1959, section 1, chapter 101, Laws of 1961, section 15, chapter 110, Laws of 1967 ex. sess., section 24, chapter 277, Laws of 1971 ex. sess., section 80, chapter 195, Laws of 1973 1st ex. sess. and RCW 70.32.090; and

(2) Section 18, chapter 288, Laws of 1971 ex. sess. and RCW 84.10.010.

NEW SECTION. Sec. 27. Savings once deemed adequate for retirement living have been rendered inadequate by increased tax rates, increased property values, and the failure of pension systems to adequately reflect such factors. It is therefore deemed necessary that the legislature, in addition to that tax exemption as provided for in RCW 84.36.381 through 84.36.389, allow retired persons to defer payment of special assessments on their residences, and to defer their real property tax obligations on their resi-

dences, an amount of up to eighty percent of their equity in said property. This deferral program is intended to assist retired persons in maintaining their dignity and a reasonable standard of living by residing in their own homes, providing for their own needs, and managing their own affairs without requiring assistance from public welfare programs.

NEW SECTION. Sec. 28. Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in this chapter shall have the following meaning:

(1) "Claimant" means a retired person who elects to defer payment of the special assessments and/or real property taxes accrued on his residence by filing a declaration to defer as provided by this chapter.

When two individuals of a household file or seek to file a declaration to defer, they may determine between them as to who the claimant shall be.

(2) "Consumer price index" shall mean the consumer price index for urban wage earners and clerical workers as compiled by the bureau of labor statistics of the United States department of labor.

(3) "Department" means the state department of revenue.

(4) "Equity value" means the amount by which the fair market value of a residence as determined from the records of the county assessor exceeds the total amount of any liens or other obligations against the property.

(5) "Owned" includes possession under a contract of sale, deed of trust, or tenancy in common.

(6) "Special assessment" means the charge or obligation imposed by a city, town, county, or other municipal corporation upon property specially benefited by a local improvement.

(7) "Real property taxes" means ad valorem property taxes levied on a residence in this state in the preceding calendar year. If a residence is an integral part of a larger unit such as a farm, or a multi-purpose or multi-dwelling building, real property taxes shall be that percentage of the total property taxes accrued as the value of the residence is of the total value of the unit. For purposes of this paragraph "unit" refers to the parcel of property covered by a single tax statement of which the residence is a part.

(8) "Preceding calendar year" shall mean the calendar year preceding the year in which the application for deferral of special assessment and/or real property taxes is made.

(9) 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 such dwelling stands not to exceed one acre per unit. 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 or its municipal corporations, and notwithstanding the provisions of RCW 84.04.080, 84.04.090, or 84.04.250, such residence shall be deemed real property.

(10) The term "real property", except for the purposes of chapters 84.56 and 84.60 RCW, shall also include a mobile home which has substantially lost its identity as a mobile unit by virtue of its being fixed in location upon land owned or leased by the owner of the mobile home and placed on a foundation (posts or blocks) with fixed pipe, connections with sewer, water or other utilities.

NEW SECTION. Sec. 29. A retired person may elect to defer payment of special assessments and/or real property taxes on his residence up to eighty percent of the amount of his equity value in said property if the following conditions are met:

(1) The special assessments and/or property taxes must have been imposed upon a residence: (a) Which has been regularly occupied by the person claiming the deferral during the two calendar years preceding the year in which the deferral claim is filed; or (b) which was occupied by the person claiming the deferral as a principal place of residence as of January 1st of the year for which the claim is filed and the person claiming the deferral 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 claimant must have owned, at the time of filing, the residence on which the

special assessment and/or real 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 claimant must have been sixty-two years of age or older on January 1st of the year in which the deferral claim is filed, or must have been, at the time of filing, retired from regular gainful employment by reason of physical disability.

(4) The claimant and/or his or her spouse must not have received income of the type referred to in RCW 84.36.381, as now or hereafter amended, during the preceding calendar year which exceeds the following amounts:

(a) For claims filed in 1976—eight thousand dollars;

(b) For claims filed in subsequent years, an amount equal to the previous year's income limit adjusted by the percentage change in the consumer price index for the twelve month period ending September 31st of the previous year.

(5) The claimant must have and keep in force fire and casualty insurance in sufficient amount to protect the interest of the state in the claimant's equity value.

NEW SECTION. Sec. 30. (1) Each claimant electing to defer payment of special assessments and/or real property tax obligations under this chapter shall file with the county assessor, on forms prescribed by the department and supplied by the assessor, a written declaration thereof. The declaration to defer special assessments and/or real property taxes for any year shall be filed prior to July 1st each year or the deferral shall not be allowed for the following year.

(2) The declaration shall designate the property to which the deferral may apply, and shall include a statement setting forth (a) a list of all members of the claimant's household, (b) the claimant's equity value in his residence, (c) facts establishing the eligibility for the deferral under the provisions of this chapter, and (d) any other relevant information required by the rules of the department. Each copy shall be signed by the claimant subject to the penalties as provided in chapter 9.72 RCW for the false swearing. The first declaration to defer filed in a county shall include proof of the claimant's age acceptable to the assessor.

(3) The county assessor shall determine if each claimant shall be granted a deferral for each year but the claimant shall have the right to appeal this determination to the county board of equalization whose decision shall be final as to the deferral of that year.

NEW SECTION. Sec. 31. (1)(a) Declarations to defer property taxes for all years following the first year may be made by filing with the county assessor on or before July 1st a renewal form in duplicate, prescribed by the department of revenue and supplied by the county assessor, which affirms the continued eligibility of the claimant.

(b) In January of each year, the county assessor shall send to each claimant who has been granted deferral of ad valorem taxes for the previous year renewal forms and notice to renew.

(2) Declarations to defer special assessments shall be made by filing with the assessor on or before July 1st of any year on a form to be prescribed by the department of revenue and supplied by the county assessor. Upon approval, the full amount of special assessments upon such claimant's residence shall be deferred but not to exceed an amount equal to eighty percent of the claimant's equity value in said property.

NEW SECTION. Sec. 32. If the claimant is unable to make his own declaration of deferral, it may be made by a duly authorized agent or by a guardian or other person charged with care of the person or property of such claimant.

NEW SECTION. Sec. 33. If the claimant declaring his intention to defer special assessments or real property tax obligations under this chapter ceases to reside permanently on the property for which the declaration to defer is made between the date of filing the declaration and December 15th of that year, the deferral otherwise allowable under this chapter shall not be allowed on such tax roll. However, this section shall not apply where the claimant dies, leaving a spouse surviving, who is also eligible for deferral of special assessment and/or property taxes.

NEW SECTION. Sec. 34. A person's right to defer special assessments and/or property tax obligations on his residence shall not be reduced by contract or agreement, from the effective date of this chapter onward.

NEW SECTION. Sec. 35. If any residence 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, said holder shall co-sign the declaration of deferral either before a notary public or the county assessor or his deputy in the county where the real property is located.

NEW SECTION. Sec. 36. Whenever a person's special assessment and/or real property tax obligation is deferred under the provisions of this chapter, it shall become a lien in favor of the state upon his property and shall have priority as provided in chapters 35.50 and 84.60 RCW: PROVIDED, That the interest of a mortgage or purchase contract holder who is required to co-sign a declaration of deferral under section 35 of this act, shall have priority to said deferred lien. This lien may accumulate up to eighty percent of the amount of the claimant's equity value in said property and shall bear interest at eight percent per year until said obligation becomes due and payable under section 39 of this act.

NEW SECTION. Sec. 37. The county assessor shall:

(1) Transmit one copy of each declaration to defer to the department of revenue. The department may audit any declaration and shall, not later than August 31st, notify the assessor of any claim where any factor appears to disqualify the claimant for the deferral sought.

(2) Transmit one copy of each declaration to defer a special assessment to the local improvement district which imposed such assessment.

(3) After October 15th, compute the dollar tax rate for the county as if any deferrals provided by this chapter did not exist.

(4) On or before December 15th, notify the department of revenue and the county treasurer of the amount of real property taxes deferred for that year and notify the department of revenue and the respective treasurers of municipal corporations of the amount of special assessments deferred for each local improvement district within such unit.

NEW SECTION. Sec. 38. Upon receipt of the notification from the county assessor of the amount of deferred special assessments and/or real property taxes the department shall certify to the state treasurer the amount due the respective municipal corporations prior to the following February 15th and the state treasurer shall pay to the treasurers of such municipal corporations said amounts, equivalent to the amount of special assessments and/or real property taxes deferred, to be distributed to the local improvement or taxing districts which levied the taxes so deferred.

NEW SECTION. Sec. 39. Special assessments and/or real property tax obligations deferred under this chapter shall become payable together with interest as provided in section 36 of this amendatory act:

(1) Upon the sale of property which has a deferred special assessment and/or real property tax lien upon it.

(2) Upon the death of the claimant with an outstanding deferred special assessment and/or real property tax lien except a surviving spouse who is qualified under this chapter may elect to incur the special assessment and/or real property tax lien which shall then be payable by that spouse as provided in this section.

(3) Upon the condemnation of property with a deferred special assessment and/or real property tax lien upon it by a public or private body exercising eminent domain power, except as otherwise provided in RCW 84.60.070.

(4) At such time as the claimant ceases to reside permanently in the residence upon which the deferral has been granted.

(5) Upon the failure of any condition set forth in section 27 of this amendatory act.

NEW SECTION. Sec. 40. (1) The county treasurer shall collect all the amounts deferred together with interest under this chapter, in the manner provided for in chapter 84.56 RCW. For purposes of collection of deferred taxes, the provisions of chapters 84.56, 84.60, and 84.64 RCW shall be applicable.

(2) When any deferred special assessment and/or real property taxes together with interest are collected the moneys shall be credited to a special account in the county treasury. The county treasurer shall remit the amount of deferred special assessment

and/or real property taxes together with interest to the state treasurer, with a remittance advice to the department.

(3) The state treasurer shall deposit the deferred taxes in the state general fund.

NEW SECTION. Sec. 41. (1) A surviving spouse of the claimant may elect to continue the property in its deferred tax status if the property is the residence of the spouse of the claimant and meets the requirements of this chapter.

(2) The election under this section to continue the property in its deferred status by the spouse of the claimant shall be filed in the same manner as an original claim for deferral is filed under this chapter, not later than ninety days from the date of the claimant's death. Thereupon, the property with respect to which the deferral of special assessments and/or real property taxes is claimed shall continue to be treated as deferred property. When the property has been continued in its deferred status by the filing of the spouse of the claimant of an election under this section, the spouse of the claimant may continue the property in its deferred status in subsequent years by filing a claim under this chapter so long as the spouse meets the qualifications set out in this section.

NEW SECTION. Sec. 42. Any person may at any time pay a part or all of the deferred taxes but such payment shall not affect the deferred tax status of the property.

NEW SECTION. Sec. 43. Nothing in this chapter is intended to or shall be construed to prevent the collection, by foreclosure, of personal property taxes which become a lien against tax-deferred property.

NEW SECTION. Sec. 44. The department of revenue of the state of Washington shall devise the forms and make rules and regulations consistent with chapter 34.04 RCW and the provisions of this chapter as shall be necessary or desirable to permit its effective administration.

NEW SECTION. Sec. 45. There is added to Title 84 RCW a new chapter to consist of sections 27 through 44 of this amendatory act.

NEW SECTION. Sec. 46. There is added to chapter 82.04 RCW a new section to read as follows:

The excise tax imposed by RCW 82.04.291 shall not apply to any timber harvested by a nonprofit organization, association, or corporation from forest lands owned by it where all the income and the receipts are used solely for the promotion, operation, and maintenance of programs as described in RCW 84.36.030, which programs are equally available to all regardless of race, color, national origin, ancestry, or religious belief.

In order to determine whether the harvesting of timber by such nonprofit organization, association, or corporation is exempt from taxes imposed by RCW 82.04.291, the director of the department shall have access to its books.

NEW SECTION. Sec. 47. If any provision of this 1975 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 48. This 1975 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing institutions, and shall take effect immediately: PROVIDED, That sections 6 and 27 through 44 of this amendatory act shall be effective on and after January 1, 1976."

On line 1 of the title after "taxation;" strike the remainder of the title and insert the following: "amending section 1, chapter 162, Laws of 1943 as last amended by section 79, chapter 195, Laws of 1973 1st ex. sess. and RCW 70.32.010; amending and reenacting section 18, chapter 277, Laws of 1971 as amended by section 81, chapter 195, Laws of 1973 1st ex. sess. and by section 4, chapter 213, Laws of 1973 1st ex. sess. and RCW 70.33.040; amending section 82.04.120, chapter 15, Laws of 1961 as amended by section 3, chapter 173, Laws of 1965 ex. sess. and RCW 82.04.120; amending section 82.04.260, chapter 15, Laws of 1961 as last amended by section 5, chapter 281, Laws of 1971 ex. sess. and RCW 82.04.260; amending section 2, chapter 169, Laws of 1974 ex. sess. and RCW 82.04.442; amending section 4, chapter 169, Laws of 1974 ex. sess. and RCW 82.04.443; amending section 82.04.460; chapter 15, Laws of 1961 and RCW 82.04.460, amending section 82.08.030, chapter 15, Laws of 1961 as last amended by section 1, chapter 185, Laws of 1974 ex. sess. and RCW 82.08.030; amending section

82.08.050, chapter 15, Laws of 1961 as last amended by section 7, chapter 299, Laws of 1971 ex. sess. and RCW 82.08.050; amending section 82.12.030 chapter 15, Laws of 1961 as last amended by section 2, chapter 185, Laws of 1974 ex. sess. and RCW 82.12.030; amending section 82.12.040, chapter 15, Laws of 1961 as last amended by section 11, chapter 299, Laws of 1971 ex. sess. and RCW 82.12.040; amending section 83.01.010, chapter 15, Laws of 1961 as amended by section 15, chapter 26, Laws of 1967 ex. sess. and RCW 83.01.010; amending section 84.36.020, chapter 15, Laws of 1961 as last amended by section 1, chapter 40, Laws of 1973 2nd ex. sess. and RCW 84.36.020; amending section 1, chapter 182, Laws of 1974 ex. sess. and RCW 84.36.381; amending section 3, chapter 182, Laws of 1974 ex. sess. and RCW 84.36.385; amending section 4, chapter 182, Laws of 1974 ex. sess. and RCW 84.36.387; amending section 8, chapter 169, Laws of 1974 ex. sess. and RCW 84.36.470; amending section 9, chapter 40, Laws of 1973 2nd ex. sess. and RCW 84.36.815; amending section 11, chapter 40, Laws of 1973 2nd ex. sess. and RCW 84.36.825; amending section 19, chapter 40, Laws of 1973 2nd ex. sess. and RCW 84.36.865; amending section 84.69.020, chapter 15, Laws of 1961 as last amended by section 2, chapter 122, Laws of 1974 ex. sess. and RCW 84.69.020; adding new sections to chapter 15, Laws of 1961 and to chapter 84.36 RCW; adding a new chapter to Title 84 RCW; repealing section 3, chapter 117, Laws of 1959, section 1, chapter 101, Laws of 1961, section 15, chapter 110, Laws of 1967 ex. sess., section 24, chapter 277, Laws of 1971 ex. sess., section 80, chapter 195, Laws of 1973 1st ex. sess. and RCW 70.32.090; repealing section 18, chapter 288, Laws of 1971 ex. sess. and RCW 84.10.010; prescribing an effective date; and declaring an emergency.", and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

MOTION

Senator Odegaard moved that the Senate refuse to concur in the House amendment to Engrossed Substitute Senate Bill No. 2736 and ask the House to recede therefrom.

PARLIAMENTARY INQUIRY

Senator Mardesich: "The refusal to concur, you have earlier ruled, does not preclude the raising of the question of scope and object upon return of the measure from the House with an insisting provision. Am I correct in that?"

REPLY BY THE PRESIDENT

The President: "That is true, Senator."

POINT OF INQUIRY

Senator Day: "I agree with the good substance of what Senator Odegaard has said. However, there are some components of this that obviously I believe are meritorious. Is it possible for us to consider any part of them, if Senator Odegaard would yield to a question, and possibly divide the question and consider one or two components of the amendment and concur with those and refuse to concur with the balance, or is it written in such a way that we cannot do that?"

Senator Odegaard: "Senator Day, it might be possible. However, it is written, I believe, as one amendment, one committee amendment, and we might have to ask our parliamentarian about that, if that could be done?"

Senator Day: "I think the ruling is that you cannot do it, now that I have a copy of this thing here and I am looking at it.

Debate ensued.

POINT OF INQUIRY

Senator Day: "Would Senator Odegaard yield to another question? Senator Odegaard, if we were to raise the point of scope and object on this and it was referred to Ways and Means, do you feel that we could work it and get it out maybe by tomorrow?"

Senator Odegaard: "Senator Day, I certainly think we can work it all right. I

thought about that procedure myself. Of course, it has to go back through the committee process and out through Rules again and it just takes that much longer, but that might be one avenue we could use on it. Make it a date specific."

POINT OF ORDER

Senator Day: "I raise the question of scope and object."

Debate ensued.

There being no objection, the Point of Order by Senator Day was withdrawn.

The motion by Senator Odegaard carried. The Senate refused to concur in the House amendment to Engrossed Substitute Senate Bill No. 2736 and asks the House to recede therefrom.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of the Free Conference report on Engrossed Senate Bill No. 2623.

MESSAGE FROM THE HOUSE

June 4, 1975.

Mr. President: The House has adopted the report of the Free Conference Committee on ENGROSSED SENATE BILL NO. 2623 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

June 5, 1975.

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred ENGROSSED SENATE BILL NO. 2623, requiring reports of child abuse to be forwarded to the prosecuting attorney for investigation and action, have had the same under consideration, and recommend that the bill be amended as recommended by the Conference Committee.

Signed by: Senators Day, Marsh and North; Representatives Parker, Bauer and Eikenberry.

MOTION

Senator Day moved that the report of the Free Conference Committee on Engrossed Senate Bill No. 2623 be adopted.

MOTION

On motion of Senator Lewis (Harry), further consideration of the Free Conference Report and the motion by Senator Day was ordered held until after the noon recess.

MESSAGE FROM THE HOUSE

June 4, 1975.

Mr. President: The House has adopted the report of the Free Conference Committee on ENGROSSED HOUSE BILL NO. 675 and has passed the bill as amended by the Free Conference Committee.

DONALD R. WILSON, Assistant Chief Clerk.

MOTION

On motion of Senator Mardesich, the Senate advanced to the sixth order of business.

SECOND READING

REENGROSSED HOUSE BILL NO. 285, by Representatives King, Jueling, Connor, Adams, Luders, Laughlin, Savage, Chandler, Blair, Chatalas, Haley, Charnley and Hanna:

Providing for the designation of certain specified fire and police department positions as public employees.

MOTION

On motion of Senator Mardesich, Reengrossed House Bill No. 285 was re-referred to the Committee on Rules.

MOTION

At 11:35 a.m., on motion of Senator Mardesich, the Senate recessed until 12:00 noon.

NOON SESSION

The President called the Senate to order at 12:00 noon.

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

MESSAGE FROM THE HOUSE

May 30, 1975.

Mr. President: The House refuses to concur in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 866 and asks the Senate for a conference thereon, and the Speaker has appointed as the House conferees on Engrossed Substitute House Bill No. 866: Representatives Bagnariol, Shinpoeh and Polk, and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

MOTION

On motion of Senator Donohue, the Senate refused to grant the request of the House for a conference on Engrossed Substitute House Bill No. 866 and adheres to its position on the Senate amendment and insists that the House concur therewith.

MOTION

At 12:08 p.m., on motion of Senator Mardesich, the Senate recessed until 1:15 p.m.

AFTERNOON SESSION

The President called the Senate to order at 1:15 p.m.

MOTION

There being no objection Senator Day was excused.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 2092.

The Senate was declared to be at ease by the President at 2:25 p.m.

The President called the Senate to order at 3:00 p.m.

SECOND READING

ENGROSSED HOUSE BILL NO. 436, by Representatives Bausch, Parker and Curtis (by Department of Employment Security request)

Prescribing changes in unemployment compensation laws.

REPORT OF STANDING COMMITTEE

May 21, 1975.

ENGROSSED HOUSE BILL NO. 436, prescribing changes in unemployment compensation laws (reported by Committee on Labor):

MAJORITY recommendation: Do pass with the following amendments:

On page 10, add a new section following section 16 as follows:

"Sec. 17. Section 22, chapter 3, Laws of 1971, as amended by section 10, chapter 73, Laws of 1973, and RCW 50.44.050, is amended to read as follows:

Benefits based on services in employment covered by or pursuant to this chapter shall be payable on the same terms and subject to the same conditions as compensation payable on the basis of other service subject to this title: PROVIDED, HOWEVER, That benefits based on service in an instructional, research or principal administrative capacity in an institution of higher education shall not be paid to an individual for any week of unemployment which begins during the period between two successive academic years, or during a similar period between two regular terms, whether or not successive, or during a period of paid sabbatical leave provided for in the individual's contract, if the individual has a contract or contracts to perform services in any such capacity for an institution or institutions of higher education for both such academic years or both such terms; *or during any non-work period occurring during a term that does not diminish the individual's salary for the term:* PROVIDED, FURTHER, That benefits based on service in an instructional, research, or principal administrative capacity in an educational institution other than an institution of higher education shall not be paid to an individual for any week of unemployment which begins during the period between two successive academic years, or during a similar period between two regular terms, whether or not successive, or during a period of paid sabbatical leave provided for in the individual's contract, if the individual has a contract or contracts to perform services in any such capacity in an educational institution or institutions other than an institution of higher education for both such academic years or both such terms; *or during any non-work period occurring during a term that does not diminish the individual's salary for the term:* PROVIDED, FURTHER, That any employee of the common school district who is conclusively presumed to have been reemployed pursuant to RCW 28A.67.070 shall be deemed to have a contract for the ensuing term."

Renumber the remaining sections consecutively.

On page 1, line 16 of the title after "semicolon" insert "amending section 22, chapter 3, Laws of 1971, as amended by section 10, chapter 73, Laws of 1973, and RCW 50.44.050;".

Signed by: Senators Ridder, Chairman; Bailey, Grant, Matson, Morrison, Sellar.

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 committee amendment to the title was adopted.

MOTIONS

Senator Lewis (Harry) moved Engrossed House Bill No. 436, as amended, be placed on today's second reading calendar following Second Substitute House Bill No. 1007.

On motion of Senator Ridder, the motion by Senator Lewis (Harry) was amended. Engrossed House Bill No. 436, as amended, was made a special order of business for 4:00 p.m. today.

MOTION

On motion of Senator Bailey, Senate Bill No. 2965 was ordered to hold its place on the second reading calendar for Friday, June 6, 1975.

MOTION

At 3:10 p.m., on motion of Senator Bailey, the Senate recessed until 4:47 p.m.

SECOND AFTERNOON SESSION

The President called the Senate to order at 4:47 p.m.

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

MESSAGE FROM THE HOUSE

June 5, 1975.

Mr. President: The House insists on its position regarding ENGROSSED SUBSTITUTE HOUSE BILL NO. 866 and again asks the Senate for a conference thereon, and the Speaker has appointed as the House conferees on Engrossed Substitute House Bill No. 866: Representatives Bagnariol, Shimpoch and Polk, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Bailey, the request of the House for a conference on Engrossed Substitute House Bill No. 866 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. 866 and the Senate amendments thereto: Senators Donohue, Newschwander and Odegard.

MOTION

On motion of Senator Bailey, the Conference Committee appointments were confirmed.

MOTION

At 4:55 p.m., on motion of Senator Mardesich, the Senate recessed until 7:00 p.m.

EVENING SESSION

The President called the Senate to order at 7:00 p.m.

The President declared the Senate to be at ease.

The President called the Senate to order at 7:35 p.m.

MOTIONS

On motion of Senator Lewis (R. H. "Bob"), Senator North was excused.

On motion of Senator Mardesich, the Senate returned to the first order of business.

REPORT OF STANDING COMMITTEE

June 5, 1975.

SENATE JOINT RESOLUTION NO. 131, amending the state constitution (reported by Committee on Ways and Means):

WITHOUT recommendation: That Substitute Senate Joint Resolution No. 131 be substituted therefor and that the Substitute Senate Joint Resolution do pass.

Signed by: Senators Donohue, Chairman; Odegard, Vice Chairman; Bailey, Clarke, Jones, Lewis (Harry), Mardesich, Marsh, Matson, Scott, Woody.

MOTIONS

On motion of Senator Mardesich, the rules were suspended and Senate Joint Resolution No. 131 was advanced to second reading.

On motion of Senator Mardesich, Substitute Senate Joint Resolution No. 131¹ was substituted for Senate Joint Resolution No. 131 and the substitute resolution was read the second time in full.

Senator Fleming moved adoption of the following amendment by Senators Fleming, Ridder and McDermott:

On page 2, line 16 after "percent" and before the period, insert "except at such times when there is no general retail sales or use tax on food".

POINT OF INQUIRY

Senator Jolly: "Would Senator Fleming yield? Is it your intention, Senator, at a time when the sales tax is on food, then the sky is the limit on the other . . .?"

Senator Fleming: "Only what the legislature would deem would be appropriate to raise the kind of revenue to take up the slack in the revenue that we would lose by taking the tax off of food."

Senator Jolly: "But according to your amendment, it says 'except at such time when there is no general sales tax,' so I would take that to mean that there was no limit then on . . ."

Senator Fleming: "When there is no general sales tax on food, then the legislature could raise the sales tax, as they can now."

Senator Jolly: "Could raise the sales tax or the income tax."

Senator Fleming: "No, no, the sales tax only."

Debate ensued.

POINT OF INQUIRY

Senator Van Hollebeke: "Would Senator Bailey yield to a question? Senator Bailey, I have a couple questions to ask on this and I do not want you to think my remarks are pointed at you personally, but I just discovered this measure on my desk at seven forty-one. That is nineteen minutes ago when I was straightening my desk, with no announcement that it was going to be there, and I am a fast reader, Senator Mardesich, but not that fast, and already amendments are on the floor. I of course have not read it at all yet. I have started, but I certainly, for one, think is important enough that we should take the attitude that anything that appears out here that we act on may pass, and I would certainly hope that we would pass something intelligent. I do not know how any of us can be expected to act intelligently on amendments now on final passage without having more time than this. I would appreciate some time for all of us to be able to at least read the entire measure if not discuss it."

Senator Bailey: "Yes."

Senator Fleming moved adoption of the following amendment to the amendment by Senators Fleming, Ridder and McDermott:

On the last line of the amendment following "food" insert "products for off-premise human consumption".

Debate ensued.

The motion by Senator Fleming carried and the amendment to the amendment was adopted on a rising vote.

POINT OF INQUIRY

Senator Bailey: "Maybe I ought to ask Senator Fleming a question. Have you changed anything in here to conform with what Senator Clarke had asked?"

Senator Fleming: "You are talking in terms of the limitation of the overall sales tax?"

Senator Bailey: "Mr. President, I did not want to vote on this amendment until I see some limitation on the sales tax. I was not for any limitation on the sales tax on this measure but if it is here we certainly should not have one and then lift it when you take one sales tax off. If you can tell us what you are going to do, then maybe we can tell how to vote."

Senator Fleming: "Just addressing myself to that, I was assuming, and maybe I assumed too much, that those individuals such as myself that were concerned about exempting the sales tax on food and those individuals that were concerned about the

limitation, that this would resolve some of the problems in their minds by saying that if you are going to have this limitation then we could exempt it on food. As Senator Woody has said, it is pretty difficult to maybe determine what kind of limitation you would have on that. I guess you would be maybe talking about somewhere around six and one-half percent or something in that ball park if you were to limit it but there is no definite guarantee to that."

Further debate ensued.

Senator Grant moved that Substitute Senate Joint Resolution No. 131, together with the pending amendment, as amended, be considered on Friday, June 6, 1975.

Debate ensued.

The motion by Senator Grant carried. Substitute Senate Joint Resolution No. 131 was ordered to hold its place on the second reading calendar for Friday, June 6, 1975.

MOTIONS

On motion of Senator Mardesich, the Senate commenced consideration of the House Message on Substitute House Bill No. 1078.

On motion of Senator Knoblauch, Senator Herr was excused.

MESSAGE FROM THE HOUSE

June 5, 1975.

Mr. President: The House has adopted the report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 1078, and has granted said committee the powers of Free Conference.

DONALD R. WILSON, Assistant Chief Clerk.

REPORT OF FREE CONFERENCE COMMITTEE

May 30, 1975.

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 1078, revising the forest practices act, have had the same under consideration, and recommend the bill be amended as recommended by the Conference Committee.

Signed by: Senators Lewis (Harry), Odegaard and Peterson; Representatives Martinis, Matthews and Conner.

MOTION

On motion of Senator Peterson, the report of the Free Conference Committee on Substitute House Bill No. 1078 was adopted.

POINT OF INQUIRY

Senator Peterson: "I think perhaps to clarify a couple of issues before we take a final vote, Senator Lewis, in Class 4 Forest Practices, the Forest Practices Board is directed to establish by rule which forest practices shall be included within this class. What do you intend the Board to include in this Class?"

Senator Lewis (Harry): "Mr. President and members of the Senate, we are trying to clarify the language in the bill and it was intended that only those operations that entail serious potential environmental consequences that the forest practices regulations and/or EIS have not covered or are inadequately treated under the circumstances. We believe in the conference committee that the environmental protection provisions of the Forest Practices Act will suffice for approximately ninety-five percent of the forest practices.

"The remaining five percent will receive an evaluation by the Department to determine whether or not a full-blown EIS must be prepared.

"I might say that this same question and answer procedure has been adopted in the House for the members of the Senate's clarification."

Senator Peterson: "Senator Lewis, could you elaborate on what some of the examples of the conferees include?"

Senator Lewis (Harry): "Size would not be a factor, but would include such items as:

"A forest practice on a tract of land where there exists a habitat of an endangered species such as an eagle's nest or other nesting ground that if destroyed would significantly decrease its population.

"A forest practice involving the widespread use of DDT or similar insecticide.

"A forest practice involving several miles of mainline logging road construction on the perimeter of a national park.

"A major forest practice involving an alternate plan proposal contrary to the standard Forest Practices rules and regulations."

Senator Peterson: "Could you clarify the words 'prohibit' and 'restrict' as we placed them in the act?"

Senator Lewis (Harry): "Yes, Senator Peterson. If the local government at present has authority by way of a master program to ban logging or in any way regulate the amount of timber harvested in a particular area of the shorelines, the amendment does not affect that authority."

Senator Peterson: "Does the word 'restrict' mean that local government can in their master programs require buffer strips or leave areas because of logging or other forest practices?"

Senator Lewis (Harry): "No. That would be a rule regulating performance of a forest practice. Such a restriction by local government, if allowed by law, would have to be established or necessitated for reasons other than regulation of forest practices."

Senator Peterson: "Then what you are saying is that there will be only one set of Forest Practices rules and regulations that the operator must follow, they are those promulgated by the Forest Practices Board, and the local government cannot impose more rigid rules or restrictions in the logging techniques within shorelines."

Senator Lewis (Harry): "That is correct."

Senator Peterson: "Does Section 9, (4), (b) attempt to resolve the question of whether or when a substantial development permit is needed for road construction within shorelines of the state in general?"

Senator Lewis (Harry): "No, it does not, but it does provide an exemption from whatever substantial development permit requirements may exist for the limited road construction specified in said paragraph."

POINT OF INQUIRY

Senator Bailey: "Mr. President, would Senator Lewis yield? Senator Lewis, one of the big problems we have had in the present Forest Practices Act is the time consuming process of making an application and receiving a permit back. What has this compromise done to speed up the application process?"

Senator Lewis (Harry): "Senator Bailey, in answer to your question, we have made several changes in obtaining permits, all of which have basically shortened the time required for the logger. We have provided that the permit shall be made through the Forest Practices Board. We have provided in addition to that that there shall be only one enforcement agency in the field and that will be regulated through the Forest Practices Board. In all cases we have made what the judgment of the conference committee has said to be and I would hope that the legislature itself would be encouraged to agree that we have made simplified and shortened the permit system required under Forest Practices."

Senator Bailey: "One other questions. It is inherent in this law that the Department of Natural Resources has a tremendous amount of the forest sales in the state? It seems strange to me that we have to sell our state forest land and then have the people that buy it come back and go through the lengthy process of obtaining the forest practices permit. Did the committee consider having the department sell this timber in such a way that

that would be worked out before it went down to the sale and alleviate the necessity or at least ease up the problem of those people buying state timber?"

Senator Lewis (Harry): "Senator Bailey, in actual practice I think to cover that situation, except for operations that would entail serious potential environmental consequences which all of us felt should require an EIS within the judgment of the department, that in other cases the classifications provide for a very reasonable and quick method of obtaining permits under the Forest Practices rules and regulations which will themselves have an EIS on those rules and so in actual fact the approval of the rules and regulations under an EIS will suffice in most cases and really simplify a solution to the problem you are suggesting."

Senator Bailey: "Thank you."

REMARKS BY SENATOR BAILEY

Senator Bailey: "Mr. President, I think the committee has done a fine job on the bill but I just want to point out a real problem. It seems rather ridiculous that the state will sell timber, then the purchaser of the timber has to go back to the same people that sold it to them and fight out a real red tape and lengthy process of getting a permit to log in the same area that they just took a bid for logging on. It would just seem to me like at some time in the future—this bill apparently does not do it—but at some time in the future they should be looking at providing for the environmental impact and the forest practices permit as they sell the state timber. At least they could do that on state timber and make a lot more sense than a lot of paper work up here in Olympia and a lot of time lost. I just throw that out in the record for your thoughts."

Debate ensued.

POINT OF INQUIRY

Senator Wilson: "Will Senator Lewis yield? Senator Lewis, in view of the several pages of material that you and Senator Peterson put into the record, do we still need the bill?"

Senator Lewis (Harry): "Senator Wilson, the Conference Committee felt that the language that was inserted in the record served to clarify and I think it did help everybody in the Senate to understand the purposes of the Conference Committee and we did do that prior to the vote on the bill."

Further debate ensued.

POINT OF INQUIRY

Senator Guess: "Would Senator Lewis yield? Senator Lewis, the master plan for Spokane County says that no logging shall take place in the natural zone. It is a total prohibition against any logging. The shorelines master plan for Spokane County says that there shall be no logging, and this is a total prohibition against any logging whatsoever in the natural zone, and the natural zone is described as being along the shorelines in rural areas, and there are certain lengths of the banks of streams that are marked so. What would be the effect of this bill?"

Senator Peterson: "I think that this bill would limit the county authority to the areas of statewide significance in shorelines."

POINT OF INQUIRY

Senator Guess: "Okay, the next question is, there is a prohibition against logging more than twenty percent in any one year and not more than that in any five year period in conservancy and rural areas. Will the Shorelines Act stand or will this act have predominance?"

Senator Lewis (Harry): "Senator Guess, the Shorelines Act in areas of major significance will stand as to the thirty percent requirement. The point that is made in the legislation is that in areas other than that that the forest practices required by the counties cannot exceed or be more strenuous than the forest practices promulgated by the Forest Practices Board."

Senator Guess: "Thank you very much, Senator."

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1078, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 35; nays, 6; absent or not voting, 4; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Donohue, Goltz, Gould, Guess, Henry, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Newschwander, Odegard, Peterson, Pullen, Sellar, Stortini, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson, Woody—35.

Voting nay: Senators Fleming, Grant, Ridder, Scott, Talley, von Reichbauer—6.

Absent or not voting: Senators Bottiger, Francis, Rasmussen, Sandison—4.

Excused: Senators Day, Herr, Murray, North—4.

SUBSTITUTE HOUSE BILL NO. 1078, 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 Peterson, Substitute House Bill No. 1078, as amended by the Free Conference Committee, was ordered immediately transmitted to the House.

REPORT OF CONFERENCE COMMITTEE

June 5, 1975.

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED HOUSE BILL NO. 587, providing for creation of West Seattle access development commission, have had the same under consideration, and we report we are unable to agree and request the powers of free conference in order to substitute the following amendment in lieu of the Senate Committee amendments:

On page 2, beginning on line 24 of the engrossed bill being line 23 of the printed bill, strike all of section 4.

Renumber the remaining sections.

Signed by: Senators Walgren and Beck; Representatives Ceccarelli, Laughlin and Patterson.

MOTIONS

Senator Walgren moved that the report of the Conference Committee be adopted and the committee be granted the powers of Free Conference.

On motion of Senator Lewis (Harry), further action on the motion by Senator Walgren was ordered held for Friday, June 6, 1975.

On motion of Senator Lewis (Harry), Second Substitute House Bill No. 1007 was made a special order of business for Friday, June 6, 1975 at 2:00 p.m.

MESSAGE FROM THE HOUSE

June 5, 1975.

Mr. President: The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 591,

HOUSE BILL NO. 675,

HOUSE BILL NO. 796,

HOUSE BILL NO. 962, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE HOUSE BILL NO. 591,
HOUSE BILL NO. 675,
HOUSE BILL NO. 796,
HOUSE BILL NO. 962.

MOTIONS

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

On motion of Senator Mardesich, the following Senate Resolutions were referred to the Committee on Rules: 1975-88, education accountability, common schools, study; 1975-89, traffic safety education program, common schools, study; 1975-90, nongrade, continuing progress concept education, study.

At 8:40 p.m., on motion of Senator Mardesich, the Senate adjourned until 10:00 a.m., Friday, June 6, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

EIGHTY-FIFTH DAY**MORNING SESSION**

Senate Chamber, Olympia, Friday, June 6, 1975.

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bottiger, Donohue, Francis, Keefe, Lewis (Harry), Murray, Newschwander, Odegard, Peterson, and Walgren. On motion of Senator Lewis (R. H. "Bob"), Senator Murray was excused. On motion of Senator Talley, Senator Keefe was excused.

The Color Guard consisting of Pages Mary Tips and Paul Simmons presented the Colors. Reverend Paul J. Beeman, pastor of the First United Methodist Church of Olympia, offered the following prayer:

"OUR FATHER, YOU HAVE BEEN PATIENT WITH US OVER DAYS, AND YEARS, AND GENERATIONS. YOU HAVE SEEN US REPEATEDLY MISS THE MARK SET FOR US IN THE MEN OF FAITH: CHRIST, BUDDHA, MOHAMMED, HAMMARSKJOLD. FORGIVE OUR FAILURES OF FAITH, OUR DELAYS IN ACTION, OUR SELFISH MOVES AND PETTY PLAYS. DO GIVE US THE CLEANSING OF SOUL WHICH WILL FIT US FOR SERVICE AND EARN US THE TRUST OF GOD AND MAN. ENABLE US ALL TO TAKE ACTIONS, QUIET OR BOLD, WHICH SHALL MAKE OF THIS DAY A LAND-MARK, AND WHICH SHALL MAKE OF EACH VOICE AND EACH VOTE, A FLAG ANNOUNCING THE PUBLIC GOOD AND A TRUMPET SOUNDING THE SERVICE OF GOD. IN THE NAME OF CHRIST WE PRAY. AMEN."

MOTION

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

REPORT OF STANDING COMMITTEE

June 5, 1975.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 818, providing regulations on removal of motor vehicles from private property (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Walgren, Chairman; Beck, Benitz, Bluechel, Bottiger, Guess, Lewis (R. H. "Bob"), Morrison, Sellar, Wanamaker.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE GOVERNOR

Office of the Governor, June 4, 1975.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

LADIES AND GENTLEMEN:

I have the honor to advise that on June 3, 1975, Governor Evans approved the following Senate Bill, entitled:

SENATE BILL NO. 2310: Providing for paying savings and loan accounts to foreign executors in the same manner as for other banks.

Sincerely,
CHI-DOOH LI
Legal Counsel.

Office of the Governor, June 4, 1975.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

LADIES AND GENTLEMEN:

I have the honor to advise that on June 4, 1975, Governor Evans approved the following Senate Bills, entitled:

SENATE BILL NO. 2047: Requiring the preservation of hospital treatment records.

SENATE BILL NO. 2070: Revising regulations and payments to victims of crimes.

SENATE BILL NO. 2106: Requiring life-cycle cost analysis for major facilities.

SENATE BILL NO. 2146: Establishing procedures for granting increases in firemen and police pension benefits.

SECOND SUBSTITUTE SENATE BILL NO. 2241: Authorizing resumption of payments to a widow of a workman after remarriage has terminated.

SENATE BILL NO. 2306: Revising the law relating to usury.

SENATE BILL NO. 2386: Amending the laws providing for licensing of snowmobiles and providing for the distribution of such fees.

SUBSTITUTE SENATE BILL NO. 2443: Amending shoreline management laws.

SUBSTITUTE SENATE BILL NO. 2574: Authorizing buy-back of fishing vessels, gear and permits.

SENATE BILL NO. 2611: Providing for automatic transfer of voter registration in county when address appears changed on precinct list of voters.

SENATE BILL NO. 2634: Authorizing allowances for legislative members-elect.

SENATE BILL NO. 2698: Permitting the director of public safety to appoint twelve persons to unclassified positions.

SUBSTITUTE SENATE BILL NO. 2727: Setting compensation for port commissioners.

SUBSTITUTE SENATE BILL NO. 2737: Authorizing an alternative method for the ownership, operation, and financing of public systems of sewage and water.

SUBSTITUTE SENATE BILL NO. 2833: Relating to railroad grade crossing protective devices.

SENATE BILL NO. 2913: Permitting university medical graduates of foreign medical schools or colleges to become physician assistants for a limited number of years.

SENATE BILL NO. 2957: Increasing fees for driver's licenses.

Sincerely,
CHI-DOOH LI
Legal Counsel.

MESSAGES FROM THE HOUSE

June 5, 1975.

Mr. President: The House has concurred in the Senate amendments to EN-GROSSED SUBSTITUTE HOUSE BILL NO. 591 and has passed the bill as amended by the Senate.

DONALD R. WILSON, Assistant Chief Clerk.

June 5, 1975.

Mr. President: The House has concurred in the Senate amendments to EN-GROSSED HOUSE BILL NO. 176 and has passed the bill as amended by the Senate.

DONALD R. WILSON, Assistant, Chief Clerk.

June 5, 1975.

Mr. President: The House has concurred in the Senate amendments to EN-

GROSSED SUBSTITUTE HOUSE BILL NO. 198 and has passed the bill as amended by the Senate.

DONALD R. WILSON, Assistant Chief Clerk.

June 5, 1975.

Mr. President: The House has concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 211 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

Senators Mardesich, Sandison and Jones demanded a Call of the Senate. A Call of the Senate was ordered.

CALL OF THE SENATE

The Sergeant at Arms locked the doors of the Senate Chamber. The Secretary called the roll on the Call of the Senate, all members being present except Senators Keefe and Murray who had previously been excused.

MOTION

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

MOTION

At 10:15 a.m., on motion of Senator Mardesich, the Senate was declared to be at ease.

The President called the Senate to order at 12:15 p.m.

MOTIONS

On motion of Senator Herr, the Senate dispensed with the Call of the Senate.

At 12:15 p.m., on motion of Senator Bailey, the Senate recessed until 2:00 p.m.

AFTERNOON SESSION

The President called the Senate to order at 2:00 p.m.

Senators Sandison, Walgren and Lewis (Harry) demanded a Call of the Senate. A Call of the Senate was ordered.

CALL OF THE SENATE

The Sergeant at Arms locked the doors of the Senate Chamber. The Secretary called the roll on the Call of the Senate, all members being present except Senator Murray who had previously been excused.

MOTION

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

MOTION

On motion of Senator Lewis (Harry), Second Substitute House Bill No. 1007 will be considered as a special order of business following Substitute Senate Joint Resolution No. 131.

SECOND READING

SUBSTITUTE SENATE JOINT RESOLUTION NO. 131, by Committee on Ways and Means:

Authorizing a state net income tax with limitations.

The Senate resumed consideration of Substitute Senate Joint Resolution No. 131. On June 5, 1975, an amendment by Senator Fleming to an amendment by Senators Fleming, Ridder and McDermott was adopted.

On motion of Senator Fleming, there being no objection, the amendment by Senators Fleming, Ridder and McDermott, as amended, was withdrawn.

Senator Fleming moved adoption of the following amendment by Senators Fleming, McDermott, Ridder and Herr:

On page 2, line 16, after "percent" and before the period insert ": PROVIDED, That this rate limitation may be increased but may not exceed six and one-half percent whenever food products for off-premises human consumption are exempt from such sales or use taxes"

Senator Scott moved adoption of the following amendment to the amendment by Senators Fleming, McDermott, Ridder and Herr:

Amend the Fleming/McDermott amendment to page 2, line 16 as follows:

Strike "one-half" and insert "two-tenths"

Debate ensued.

The motion by Senator Scott carried and the amendment to the amendment was adopted on a rising vote.

Further debate ensued.

The motion by Senator Fleming failed and the amendment, as amended, was not adopted on a rising vote.

There being no objection, the amendment by Senator Bluechel to page 2, line 18 on the Secretary's desk was withdrawn.

Senator Bluechel moved adoption of the following amendment by Senators Bluechel and Marsh:

On page 2, line 26, strike "ten" and insert "fifteen".

Debate ensued.

The motion by Senator Bluechel failed and the amendment was not adopted on a rising vote.

Senator Van Hollebeke moved adoption of the following amendment:

On page 1, line 22, after "amount" strike the remainder of the sentence and insert "not less than \$250.00"

Debate ensued.

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

Senator Goltz moved adoption of the following amendment by Senators Goltz, Grant, McDermott and Jolly:

On page 1, line 27, after "paid" insert ", the amount of which credit may be rebated to a taxpayer to the extent it exceeds the otherwise payable income tax liability or no income tax liability exists of such taxpayer"

The motion by Senator Goltz failed and the amendment was not adopted on a rising vote.

Senator Morrison moved adoption of the following amendment by Senators Morrison and Gould:

On page 3, after line 11, insert a new section as follows:

"(9) The legislature shall have the duty to guarantee effective local control over the basic educational programs of the common schools of the state"

Debate ensued.

POINT OF ORDER

Senator Van Hollebeke: "I raise the issue of scope and object on this amendment."

RULING BY THE PRESIDENT

The President: "Senator Van Hollebeke and members of the Senate, in ruling upon the point presented by Senator Van Hollebeke, the President finds language on line 12 and 13 providing all net revenue derived from any tax on net income shall be used solely for the support of the common schools. The President believes that that is a broad enough provision that the amendment does fit within the scope and object of the bill. Therefore, the point is not well taken."

Further debate ensued.

POINT OF INQUIRY

Senator Odegaard: "Would Senator Morrison yield to a question? Senator Morrison, what do you mean by the word 'effective': Would it be a better amendment if we left out the word 'effective'?"

Senator Morrison: "Senator Odegaard, I believe that the word 'effective' modified the provisions — if we did not have 'effective' in there it would say, 'the duty to guarantee local control' and I do not think we want to go that far. Senator Woody has read to us the provisions of the Constitution concerning the Superintendent of Public Instruction's duties. It also says later on in the constitutional amendment in front of us that the legislature shall interpret the terms that are included herein, that that is one of our duties, so I believe that the word 'effective' there allows us to say that to present an effective local program you have to offer these items, much as we do now. Washington State history, U.S. history, so many hours to graduate, those items I believe are necessary state input to providing an effective program of education, but we still want to say in this in a general way that as much as possible the legislature is going to allow local control within this basic unit of education that we are going to fund from this new tax source, so I think the word 'effective' is important and gives us flexibility in the future."

The motion by Senator Morrison failed and the amendment was not adopted on a rising vote.

Senator Pullen moved adoption of the following amendment by Senators Pullen, Benitz, Sellar, Cunningham, Buffington, Morrison and Lewis (R. H. "Bob"):

Before the short title of the resolution and after "by Committee on Ways and Means" insert "(originally sponsored by Senator Stortini)."

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

On motion of Senator Mardesich, the rules were suspended, Substitute Senate Joint Resolution No. 131 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Marsh yield to a question? Senator Marsh, you mentioned that some proposal had constitutional infirmities. To what were you referring?"

Senator Marsh: "I was referring to the Charles Moon so-called corporate income tax franchise tax."

Senator Rasmussen: "What is the constitutional infirmities that that one has?"

Senator Marsh: "The constitutional infirmity was that he proposes to pass it as a statute or a referendum or an initiative. In my opinion it is in essence a graduated net income tax and our Supreme Court has said that income is property and all property must be taxed equally. Now when he tried to raise taxes on net income of corporations, then he is running afoul of the Constitution and I think the only way we can legally and constitutionally have a franchise tax, a corporate tax, is to submit a constitutional amendment authorizing such. I do not think you can do it by statute and that is why I said it was constitutionally infirm."

Senator Rasmussen: "Thank you, Senator Marsh. I thought for the moment that we were voting on a constitutional amendment here."

Senator Marsh: "We are."

Senator Rasmussen: "Thank you again for informing me of that."

Further debate ensued.

Senators Newschwander, Talley and Rasmussen demanded the previous question. The demand was not sustained.

Further debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Joint Resolution No. 131, and the resolution passed the Senate by the following vote: Yeas, 33; nays, 15; excused, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Buffington, Clarke, Day, Donohue, Fleming, Francis, Goltz, Gould, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Mardesich, Marsh, McDermott, North, Odegaard, Peterson, Rider, Sandison, Scott, Talley, Van Hollebeke, Walgren, Wanamaker, Woody—33.

Voting nay: Senators Bottiger, Cunningham, Grant, Guess, Lewis (R. H. "Bob"), Matson, Morrison, Newschwander, Pullen, Rasmussen, Sellar, Stortini, von Reichbauer, Washington, Wilson—15.

Excused: Senator Murray—1.

SUBSTITUTE SENATE JOINT RESOLUTION NO. 131 having received the constitutional two-thirds majority, was declared passed.

MOTIONS

On motion of Senator Marsh, Substitute Senate Joint Resolution No. 131 was ordered immediately transmitted to the House.

On motion of Senator Mardesich, the Senate returned to the second order of business.

On motion of Senator Mardesich, the Senate commenced consideration of the Conference Committee report on Engrossed Substitute Senate Joint Resolution No. 127.

REPORT OF CONFERENCE COMMITTEE

June 6, 1975.

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE JOINT RESOLUTION NO. 127, establishing constitutionally a citizens' commission to set salaries of public officials, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

On page 1, line 42, of the House amendment to Engrossed Substitute Senate Joint Resolution No. 127 by Representatives Sommers and Newhouse, beginning with "*Persons*" strike everything down to and including "law." on page 2, line 5, and insert "*The balance of the membership shall be appointed as provided by law. All persons selected by lot or appointed shall possess the qualifications required by law of jurors. All persons chosen shall be confirmed by a superior court judge designated by the chief justice of the supreme court who shall examine each person for interest, prejudice, and competency. Persons who by reasons of prejudice, interest or incompetency are found to be incapable of discharging their duties as members of the commission shall be disqualified and shall be replaced by persons chosen in the same manner in which the disqualified person was originally chosen.*"

Signed by: Senators Sellar, Grant and Francis: Representatives Sommers, Newhouse and Conner.

MOTION

On motion of Senator Mardesich, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference.

MOTIONS

On motion of Senator Mardesich, the Senate advanced to the sixth order of business.

On motion of Senator Mardesich, the Senate commenced consideration of Second Substitute House Bill No. 1007.

SPECIAL ORDER OF BUSINESS

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1007, by Committee on Ways and Means (originally sponsored by Representatives Bagnariol, Thompson, Shinpoch, Zimmerman and Eng):

Setting salaries for elected public officials.

The time having arrived, the Senate commenced consideration of Second Substitute House Bill No. 1007.

REPORT OF STANDING COMMITTEE

May 26, 1975.

SECOND SUBSTITUTE HOUSE BILL NO. 1007, setting salaries for elected public officials (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendments:

On page 3, line 6, after "of" and before "hundred" strike "five" and insert "[five] four".

On page 3, strike all of section 6 and insert the following: "*NEW SECTION. Sec. 6. There is hereby appropriated to the Governor—Special Appropriations the sum of \$1,030,220 or so much as may be necessary for the purpose of implementing sections 1 through 4 of this 1975 amendatory act.*"

Renumber the remaining sections consecutively.

On line 14 of the title, after "3.58.010;" and before "declaring" insert "making an appropriation;"

Signed by: Senators Donohue, Chairman; Odegard, Vice Chairman; Wilson, Second Vice Chairman; Bailey, Clarke, Jones, Mardesich, Marsh, Matson, Washington.

The bill was read the second time by sections.

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

Senator Van Hollebeke moved adoption of the following amendment:

On page 1, beginning on line 21, strike all of matter down to the period on page 2, line 8, and insert:

"The annual salaries of the following named state elected officials shall be: Governor, [thirty-four thousand three hundred] *forty-two thousand one hundred fifty* dollars; lieutenant governor, [ten thousand six] *twenty-four thousand five* hundred dollars; secretary of state, [fifteen thousand eight] *twenty-four thousand five* hundred dollars; state treasurer, [fifteen thousand eight hundred] *twenty-nine thousand five hundred* dollars; state auditor [seventeen thousand four hundred] *twenty-nine thousand five hundred* dollars; attorney general, [twenty-four thousand three] *thirty-four thousand five* hundred dollars; superintendent of public instruction, [twenty-three thousand seven hundred fifty] *thirty-one thousand five hundred* dollars; commissioner of public lands, [twenty-one thousand one hundred] *twenty-nine thousand five* hundred dollars; state insurance commissioner, [seventeen thousand four hundred] *twenty-nine thousand five* hundred dollars; members of the legislature shall receive for their service three thousand eight hundred dollars per annum; and in addition, ten cents per mile for travel to and from legislative sessions."

Debate ensued.

The motion by Senator Van Hollebeke failed and the amendment was not adopted on a rising vote.

On motion of Senator Lewis (Harry), the following amendment by Senators Lewis (Harry), Keefe and Donohue was adopted:

On page 1, line 24, after "dollars" and before the semicolon insert "*plus a sum equal to 1/260th of the difference between the annual salary of the lieutenant governor and the annual salary of the governor for each day that the lieutenant governor is called upon to perform the duties of the governor by reason of the absence from the state, removal, resignation, death or disability of the governor*".

There being no objection, the amendment by Senator Van Hollebeke to page 2, beginning on line 13, on the Secretary's desk, was withdrawn.

Senator Day moved adoption of the following amendment by Senators Day and Scott:

On page 3, line 11, after "Friday" insert "and PROVIDED, FURTHER, That the provisions of sections 1 through 5 of this 1975 amendatory act shall not be effective during any part of the term of a member of the 44th session of the legislature extending beyond January 10, 1977 who may be appointed or elected to any of the positions enumerated therein nor during the term of the office to which he may be appointed or elected".

POINT OF INQUIRY

Senator Beck: "Would Senator Day yield? What members of the second half of this forty-fourth session of the legislature is this affecting? All of them?"

Senator Day: "It would affect all of them who might elect to either run or someone might elect to appoint to a position."

Senator Beck: "What about the rest of the members of the Senate?"

Senator Day: "It would also affect them and the House members if they were to be appointed to a position between now and January 10 of 1977, or if an office were to become vacant and they were to run for that office between now and that time, it would allow them the opportunity of running or being appointed at the old salary level. Otherwise they would be precluded from taking it under any circumstances, even though they were willing to take it at the old lower level of salary, so what this does is to give them an opportunity to be a candidate or be an appointee, provided they will accept the lower salary."

Senator Beck: "Thank you for that explanation. That is not the explanation I wanted though. What about the twenty-four members of this Senate here who are in office for four years? How does it affect them after 1977 if they stay in the Senate?"

Senator Day: "It does not affect them if they state in the Senate after 1977."

Senator Beck: "They would get the raise in pay?"

Senator Day: "You are talking about legislators pay which this has absolutely nothing to do with."

Senator Beck: "Thank you."

POINT OF INQUIRY

Senator Lewis (Harry): "I wonder if Senator Day would answer another question? Senator Day, I am trying to find the article. Can you tell me how your amendment would handle the problem of Article II, Section 13 of the Constitution?"

Senator Day: "Yes. It would say that this bill, in effect, would not go into effect if anyone of the persons whose term extends beyond the time of appointment or beyond January 10, 1977, as far as they were concerned. In other words, the bill only affects those people whose terms end after January 10, 1977, as far as that particular portion of the Constitution is concerned relative to election to the offices that we are raising the salary for, and that is the intent, so that they could elect to run for the position or could be appointed to the position and it would then be inoperative and consequently it would say that they could be appointed but they would have to accept the appointment at the old salary level because this would not be operative for them."

POINT OF INQUIRY

Senator Guess: "Would Senator Day yield? Senator Day, you are by that amendment saying that the law shall become effective for some and ineffective for others. It says, 'that no member of the legislature during the term for which he is elected shall be appointed or elected to any civil office in the state which shall have been created or the emoluments of which shall have been increased during the term for which he was elected.' Okay, somebody is elected, some one of these members on the floor decides that he wants to run for Governor or Lieutenant Governor. Now, you will say that for that man the bell does not toll, but, Senator, the law is as explicit as it can be that it does toll."

Senator Day: "That is a matter of opinion, Senator Guess, I have had this drafted by a gentlemen whom I consider to be the best constitutional lawyer in this state and he says that it is valid and that what this would do is to comply with the intent of the Constitution, because the emoluments for that position would not have been raised for a person who was here today voting who sought the position before his term was up. In other words, he could still seek it but he would not get the increased emolument and that is, if you will read the constitutional provision, you will see that is what it says."

Senator Bailey: "Mr. President, in answer to Senator Guess, I do not think this affects many people really, we are talking about civil offices. Civil offices have been defined by the court in the Oceanographic case, one way back in 1933, as just certain

things and probably, Senator Guess, the thing that it would affect would be a commission that had policy making powers and any of the judgeships or anything that we created where we specifically set their pay. Now there is also an Attorney General's opinion that at this time a person cannot serve for less pay than that set by law, and that would change this law so they could serve. Now we are probably not talking about anyone in this room that we can think of. I do not think it sets aside any commission or job that we would create. I do not think you could do anything about that, but you are probably talking about a very limited number of cases. As Mr. Nicolai told us, mostly judgeships and nothing else, because we do not set the pay of most of these offices. The Governor sets the pay out of the allotments given the departments and we have had it briefed out, it has been taken over to the Attorney General's office and it solves some problems in passing the bill and I do not know of anyone here that really has an interest in this particular part."

Senator Guess: "Senator Bailey, in the event that one of the members on this floor were to become a judge, say there is a vacancy occurs and he decides in the special election this coming fall he wants to run for that. Now, we will have increased the emoluments of all of the judges. How many superior court judges we have in the state, they would have been raised. The law would then become effective for all of those judges who were there but because this one particular person decided to run for that judgeship, it would not apply to him. It says that the amendatory act shall not be effective during any part of the term of the member of the legislature extending beyond January 10, 1977 who may be appointed. What you are doing is trying to say that the judges would then be paid unequally. I think you have a real serious problem there."

Senator Francis: "Mr. President, responding to Senator Guess, I certainly agree with you, Senator Guess, that that is offensive that one person should be paid less than another, but it certainly is not unconstitutional. I can remember working for one of the judges across the street here about fifteen years ago when he was receiving twelve thousand. The other members of the court were receiving about sixteen thousand because he had not yet been reelected to get the increased amount, so those kinds of distinctions, as long as they are built into statute in a way that is not arbitrary but in a way that has some rational basis have always been upheld. There is no denial of equal protection. That restriction against being appointed or elected now applies equally to all legislators. That is not an unreasonable class of people, so there is nothing, no denial of equal protection about it. Right now I am receiving thirty-eight hundred dollars a year as a legislator and you are still only receiving thirty-six hundred. That is another distinction, so these things happen. I think they are offensive but they are not unconstitutional."

"Now back to your more basic concern, whether this does any good or not. I have read two or three State Supreme Court cases that contained some language that would indicate that it might be sufficient for the court to say, 'Okay, that complies with the constitutional provision and this person could be, that is, a legislator with time left to serve in his or her term could be appointed or elected to one of these offices.' Now that is all it does. It does not guarantee anything but it makes it more likely that someone would be able to. Nobody has to take an appointment or nobody has to run for election in any of those offices, but this might give them the opportunity to do it and as such, it looks to me as if it is extremely well drafted and could well fit into the wording of those cases and if the State Supreme Court decides that that is sufficient then it would restore a few more civil rights to some legislators."

POINT OF INQUIRY

Senator Rasmussen: "Will Senator Francis yield to a question? Senator Francis, if this amendment were to be adopted and some member of the legislature, either of the House or the Senate, should determine to file for office, under the Senate rules and under the Constitution that member would be required at this time to disclose whether or not he had a personal interest in this legislation, would he not?"

Senator Francis: "Not that I know of, Senator Rasmussen. Are you talking about the fact that somebody now might entertain the possibility that they are going to run for

some future office or hope for an appointment in the future year? Is there anyone on this floor who does not entertain such thoughts?"

Senator Rasmussen: "Yes. Speak for yourself, John Alden."

Senator Francis: "I think that if you are now announcing that you are not available for any appointments and not intending to run for election at any future time, I do not think that should disqualify you from voting on this bill."

Senator Rasmussen: "Thank you for opening the door, Senator Francis. I merely wanted to clear that question up. There is a constitutional question; if somebody did vote on this legislation without declaring that he had an interest in it and stepping aside, then the question could be raised later at the time he was running and I think it would be a valid question for any presumed injured taxpayer."

Senator Francis: "Senator Rasmussen, you are just wrong on your facts and you are wrong on the Constitution and you are wrong on the ethics. You are using the same old tired argument that they used to say when they say schoolteacher-legislators cannot vote on salary increases for public employees. A person who is a member of a class can vote on something regardless, and what his intentions are has nothing to do with it. That does not constitute a conflict of interest. I have seen more people duck tough issues on the basis of phony arguments of conflict of interest than any other thing, but there are very, very few actual conflicts of interest around here and the thing you just raised would not constitute a conflict of interest."

Senator Rasmussen: "Senator Francis, for your information I have been declared wrong many times but time has proved me right and of course I am always ready to let time do that. I would not argue that point. However, let me point out that in the case of schoolteachers the question has been decided that the interest is so broad. Let me also point out that as far as any individual citizen out there that wanted to run for office, this particular amendment would not relate to them at all so it does not become a broad interest, it becomes a very narrow interest. That is what I was pointing out in asking you the question. I did not get the answer but I will hire you again."

Senator Francis: "Senator Rasmussen, my answer to your question was no, those Senators who I assume constitute a majority of the Senate who are contemplating some future appointment or election do not have to declare themselves as unable to vote on this bill."

Senator Bailey: "Mr. President, I think Senator Guess deserves a little more complete answer. I really think there is another question involved here that we have not talked about and it is my understanding, and the judges here can tell me, that under the present Constitution this would be a small limitation because I think under the present Constitution the words are, you cannot take an office that is created nor can you accept an office which you have raised the pay during the term for which you were elected, and until that is out of the Constitution, which is in the SJR that we are going to consider a little later, you have two things you are talking about here. This does not have the general application it would have, although if it were a job that probably just the pay were raised on it may be a court case to determine whether or not a member of the legislature would be eligible, but most of the jobs in the state are not created while we are here. Most of them do have some indirect salary raises which we have no control over and it is going to affect very few. However, if the constitutional amendment were adopted that we are going to consider on a salary commission, then you would remove those words 'during the term for which they were elected' I think and then it would be a different matter."

POINT OF INQUIRY

Senator Woody: "Would Senator Day yield? Senator Day, the provision of this amendment says that the provisions of sections 1 through 5, and of course that is all of the pay raises, shall not be effective. As to whom? I look at this language and I wonder and am scratching my head as to whether or not the State Auditor, the state elected officials, the judges, whether any of them would be able to get the pay raise as long as any of us are here."

Senator Day: "Of course, if you will read on further, it says, 'for those who may be

appointed or elected to any of the positions enumerated therein during the term of office to which they have been appointed' and it talks about the forty-fourth session of the legislature so it is referring to those members of the legislature."

Senator Woody: "It does not say that and your confidence is much greater than mine at this point. I raise the issue as to who we are talking about, or who you mean to talk about."

Senator Day: "It says, 'shall not be effective during any part of a term of a member of the forty-fourth session of the legislature extending beyond January 10, 1977 who may be appointed or elected,' etc."

Senator Woody: "You have just identified the time factor."

Senator Donohue: "The way I read it, Senator, is that if someone is appointed or elected, sections 1 through 5 would not be effective. I do not know whether I am correct or not but it looks to me that there would not be any salary."

Senator Day: "This was written by a man who I consider to be very competent and the way I read it is that the provisions of that section shall not be effective during any part of the term of a member of the forty-fourth session of the legislature extending beyond January 10, 1977, that is the holdovers, who may be appointed or elected to any of the positions enumerated therein nor during the term of office to which he may be appointed or elected, so in other words, it applies to members of the legislature whose terms extend beyond January 1977. Presently, if we vote for this bill or we vote against it they will be precluded from running because the legislature has raised the emolument for every candidate for those positions, as well as the people who are presently in them. This says that the act shall not apply if those people file, and if those people filing are elected, it says they shall not receive the pay increase and not only can they not receive the pay increase during the term of the office that they were elected to but during the term of the office to which they are being elected, to make it comply to the Constitution fully, and so I think that is the intent at any rate, what we are attempting to do."

Senator Donohue: "I understand what your intent is, Senator, but the way I read it, it would say that 'sections 1 through 5 of this amendatory act not to be effective during any part of the term of a member,' now if you skip there and go down to the next line, 'term of as member may be appointed or elected,' and it sounds to me as if someone were appointed or elected, that section 1 through 5 would not apply."

Senator Day: "But you see, there is no comma there and it says 'any member of the forty-fourth session of the legislature extending beyond January 10, 1977 who may be appointed or elected,' and so it would seem to me that the language is clear that it has to be a member before the application is not there."

Senator Bailey: "Mr. President, there is some confusion here and it should be ironed out because it sounds like they have a real good case and that it should be ironed out. This was made to only affect a very, very few people and if it is going foul it up it is not going to help anybody, so let us wait for a few minutes."

MOTION

On motion of Senator Bailey, Second Substitute House Bill No. 1007, as amended by the Senate, together with the pending amendment by Senators Day and Scott, was made a special order of business for 5:00 p.m. today.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Engrossed House Bill No. 12.

SECOND READING

ENGROSSED HOUSE BILL NO. 12, by Representatives Conner, Hendricks, Gaines, Bauer, Bausch, Bender, Ceccarelli, Fortson, Gallagher, Hurley (George), Kalich, Martinis, McCormick, North, Parker, Sherman, Smith (Edward), Smith (Rick),

Valle, Moreau, Clemente, Cochrane, Savage, Kilbury, Haussler, Knowles, May, Barnes, Laughlin, Schumaker and Deccio (by State Treasurer request):

Changing Viet Nam veterans' bonus laws.

REPORT OF STANDING COMMITTEE

May 29, 1975.

ENGROSSED HOUSE BILL NO. 12, changing Viet Nam veterans' bonus laws (reported by Committee on State Government):

MAJORITY recommendation: Do pass with the following amendments:

On page 4, line 4, after "28," strike all the material down to the period on line 9 and insert "[1975, nor shall any warrant be] 1976"

On page 4, line 13, after "[1976,]" strike "*June 30,*" and insert "*December 31,*"

On page 4, line 23, after "ending" strike "June 30" and insert "December 31"

On page 1, line 6 of the title, after "73.34.120;" strike "and" and insert "making an appropriation" and"

Signed by: Senators Rasmussen, Chairman: Buffington, Day, Henry, Knoblauch, Wanamaker

The bill was read the second time by sections.

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

On motion of Senator Rasmussen, the committee amendment to the title was adopted.

On motion of Senator Rasmussen the rules were suspended, Engrossed House Bill No. 12, 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. 12, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; nays, 5; excused, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bottiger, Buffington, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Grant, Guess, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—43.

Voting nay: Senators Bluechel, Clarke, Gould, Jones, Scott—5.

Excused: Senator Murray—1.

ENGROSSED HOUSE BILL NO. 12, 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 Rasmussen, Engrossed House Bill No. 12, as amended by the Senate, was ordered immediately transmitted to the House.

On motion of Senator Mardesich, the Senate commenced consideration of Substitute House Bill No. 1174.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1174, by Committee on Agriculture (originally sponsored by Representative Fortson):

Permitting youthful pickers for berries to be sold in intrastate commerce.

The bill was read the second time by sections.

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

On page 2, line 3, after "commerce" insert ": PROVIDED, HOWEVER, That nothing in this act shall apply to employers who are exempt from the federal fair labor standards act"

On motion of Senator Jolly, the rules were suspended, Substitute House Bill No. 1174, 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. 1174, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; nays, 2; excused, 1.

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

Voting nay: Senators Fleming, Grant—2.

Excused: Senator Murray—1.

SUBSTITUTE HOUSE BILL NO. 1174, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 818, by Committee on Transportation and Utilities (originally sponsored by Representatives Thompson, Berentson and Conner):

Providing regulations on removal of motor vehicles from private property.

REPORT OF STANDING COMMITTEE

June 5, 1975.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 818, providing regulations on removal of motor vehicles from private property (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass with the following amendments:

Beginning on page 1 of the engrossed and printed bill, strike all of section 1, section 2, and section 3, and section 4.

On page 4, line 8 of the engrossed and printed bill, after "*NEW SECTION.*" strike "Sec. 5." and insert "Section 1." and on line 9, after "property" strike "pursuant to sections 2 or 3 of this 1975 amendatory act" and on line 18, after "PROVIDED HOWEVER," strike the remainder of the section and insert "That any person who stops payment on a personal check with intent to defraud a towing firm which has provided a service pursuant to this section, or in any other manner defrauds the towing firm in connection with services rendered pursuant to this section shall be liable for damages in the amount of twice the towing and storage fees, plus costs and reasonable attorney's fees: PROVIDED FURTHER, That every towing firm providing service pursuant to this section shall post a true copy of this section in a conspicuous place upon its business premises".

Beginning on page 4 of the engrossed and printed bill, strike all of section 6, section 7, and section 8.

Re-number the remaining section accordingly.

On line 2 of the title, after "property," strike all of the material down to and including "RCW;" on line 4.

Signed by: Senators Walgren, Chairman; Beck, Benitz, Bluechel, Bottiger, Guess, Lewis (R. H. "Bob"), Morrison, Sellar, Wanamaker.

The bill was read the second time by sections.

Senator Bottiger moved the committee amendment to page 1 not be adopted.

Senator Morrison moved the committee amendment to page 1 be adopted.

Debate ensued.

MOTION

On motion of Senator Lewis (Harry), Engrossed Substitute House Bill No. 818, together with the pending committee amendments, was ordered placed on today's second reading calendar following House Bill No. 174.

CONFIRMATIONS OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Sandison, the appointment of Marvin E. Glass as a member of the Board of Trustees Community College District No. 6—Seattle, was confirmed.

APPOINTMENT OF MARVIN E. GLASS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

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

Excused: Senator Murray—1.

MOTION

On motion of Senator Sandison, the appointment of Jean Davis as a member of the Public Disclosure Commission was confirmed.

APPOINTMENT OF JEAN DAVIS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

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

Excused: Senator Murray—1.

MOTION

On motion of Senator Sandison, the appointment of Elisabeth Johnson as a member of the Board of Trustees Community College District No. 1—Peninsula was confirmed.

APPOINTMENT OF ELISABETH JOHNSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

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

Excused: Senator Murray—1.

MOTION

On motion of Senator Sandison, the Senate resumed consideration of Second Substitute House Bill No. 1007.

SPECIAL ORDER OF BUSINESS

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1007, by Committee on Ways and Means (originally sponsored by Representatives Bagnariol, Thompson, Shinpoch, Zimmerman and Eng):

Setting salaries for elected public officials.

The time having arrived, the Senate resumed consideration of Second Substitute House Bill No. 1007 as amended, and the amendment by Senators Day and Scott to page 3, line 11 moved for adoption earlier today.

There being no objection, the amendment by Senators Day and Scott was withdrawn.

On motion of Senator Day, the following amendment by Senators Day and Scott was adopted:

On page 3, line 11, after "Friday" insert ": *PROVIDED FURTHER, That a member of the legislature whose term of office is partly coextensive with or extends beyond the present term of office of any of the officials whose salary is increased by virtue of the provisions of sections 1 through 5 of this act shall be eligible to be appointed or elected to any of the offices the salary of which is increased hereby but he shall not be entitled to receive such increased salary until after the expiration of his present term of office and his subsequent election or reelection to the office to which he was appointed or elected respectively during his term of office as legislator*"

Senator Goltz moved adoption of the following amendment:

On page 3, lines 21 through 24, strike entire section 8.

Debate ensued.

PARLIAMENTARY INQUIRY

Senator Rasmussen: "By striking the emergency clause, do we put off the salary increase for these officials for ninety days?"

REPLY BY THE PRESIDENT

The President: "It is the understanding of the President that that will be ninety days after the end of the session."

Senator Rasmussen: "Can we debate the issue or are we on a roll call?"

The President: "No, the issue is open to debate, Senator."

Further debate ensued.

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

On motion of Senator Donohue, the committee amendment to the title was adopted.

On motion of Senator Donohue, the rules were suspended, Second Substitute House Bill No. 1007, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1007, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 40; nays, 8; excused, 1.

Voting yea: Senators Bailey, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Goltz, Gould, Grant, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Woody—40.

Voting nay: Senators Beck, Cunningham, Francis, Guess, McDermott, Ridder, von Reichbauer, Wilson—8.

Excused: Senator Murray—1.

SECOND SUBSTITUTE HOUSE BILL NO. 1007, 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 Rasmussen, Second Substitute House Bill No. 1007, as amended by the Senate, was ordered immediately transmitted to the House.

MOTION

At 5:10 p.m., on motion of Senator Mardesich, the Senate was declared to be at ease.

The President called the Senate to order at 6:50 p.m.

MOTIONS

On motion of Senator Mardesich, the rules were suspended and Senator Francis was excused.

On motion of Senator Mardesich, the Senate commenced consideration of the gubernatorial appointment of John R. Bruckart, Jr.

CONFIRMATIONS OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Walgren, the appointment of John R. Bruckart, Jr. as a member of the Board of Trustees Community College District No. 3—Olympic 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, 47; excused, 2.

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

Excused: Senators Francis, Murray—2.

MOTION

On motion of Senator Sandison, the appointment of Dorothy K. Hunt as a member of the Board of Trustees Community College District No. 11—Fort Steilacoom was confirmed.

APPOINTMENT OF DOROTHY K. HUNT

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

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

Excused: Senators Francis, Murray—2.

MOTION

On motion of Senator Sandison, the appointment of Catharine C. Stimpson as a member of the Board of Trustees Community College District No. 21 — Whatcom was confirmed.

APPOINTMENT OF CATHARINE C. STIMPSON

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

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

Excused: Senators Francis, Murray—2.

MOTION

On motion of Senator Mardesich, the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

June 6, 1975.

Mr. President: The House refuses to concur in the Senate amendments to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 827 and asks the Senate for a conference thereon, and the Speaker has appointed as members of the conference committee: Representatives Hayner, King and Fortson, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Mardesich, the request of the House for a conference on Engrossed Second Substitute House Bill No. 827 and the Senate amendments thereto, was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Second Substitute House Bill No. 827 and the Senate amendments thereto: Senators Beck, Scott, and Woody.

MOTION

On motion of Senator Mardesich, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

June 6, 1975.

Mr. President: The House refuses to recede from its amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 2736 and asks the Senate for a conference thereon, and the Speaker has named as conferees the following: Representatives Erickson, Newhouse and Sommers.

DONALD R. WILSON, Assistant Chief Clerk.

MOTION

On motion of Senator Mardesich, the request of the House for a conference on Engrossed Substitute Senate Bill No. 2736 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. 2736 and the House amendments thereto: Senators Odegard, Lewis (Harry) and McDermott.

MOTION

On motion of Senator Lewis (Harry), the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

June 6, 1975.

Mr. President: The House refuses to recede from its amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 2280 and asks the Senate for a conference, and the Speaker has appointed as members of the conference committee thereon: Representatives Patterson, Smith (E.) and Conner.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Mardesich, the request of the House for a conference on Engrossed Substitute Senate Bill No. 2280 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. 2280 and the House amendments thereto: Senators Bottiger, Guess and Walgren.

MOTION

On motion of Senator Mardesich, the Conference Committee appointments were confirmed.

MOTION

On motion of Senator Mardesich, the Senate returned to the second order of business.

REPORT OF CONFERENCE COMMITTEE

June 6, 1975.

Mr. Speaker:

Mr. President:

We, of your Conference Committee, to whom was referred ENGROSSED HOUSE BILL NO. 587, providing for creation of West Seattle access development commission, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

Beginning on page 1 of the engrossed and printed bill strike all sections 2, 3, 4 and 5 and insert:

"*NEW SECTION.* Section 2. There is hereby appropriated to the Washington State Highway Commission the sum of \$150,000, or as much thereof as may be necessary, from the Motor Vehicle Fund to study the following issues regarding the proposed improved crossing of the Duwamish waterway to West Seattle;

(1) Feasibility of placing the corridor currently identified as the West Seattle Freeway corridor, connecting West Seattle to Interstate 5, on the state highway system.

(2) Evaluation of existing studies regarding the proposed high-level crossings of the Duwamish waterway, or conduct additional studies as the commission deems appropriate, to determine the approximate amount of funds required for the construction of a high-level crossing of the Duwamish waterway.

(3) Identification of the principal groups or agencies benefiting from the construction of a high-level crossing of the Duwamish waterway and alternative methods of permitting such groups to participate in project costs including, but not limited to, user tolls or local improvement district assessments.

(4) Identification and analysis of sources of federal, state, and local revenues that may be available for transportation or economic development purposes that could be utilized for such high-level crossing.

(5) Recommended changes in legislation to permit the expeditious design and construction of such high-level crossing upon receipt of funding.

(6) Recommendation of an appropriate agency to administer the design and construction of such crossing.

The Highway Commission shall report its finding and recommendations to the House and Senate Transportation and Utilities committees not later than July 1, 1976.

NEW SECTION. Section 3. The Washington State Highway Commission shall be advised in its study of the West Seattle Freeway corridor, provided for in Section 2 of the 1975 act, by, but not limited to, the chief executive, or his designee, of the Port of Seattle, the Washington State Department of Commerce and Economic Development, the municipality of metropolitan Seattle, and the City of Seattle and such other persons, jurisdictions and agencies affected by the future development of the project as the commission deems appropriate.

NEW SECTION. Section 4. Urban arterial trust funds initially authorized by the state urban arterial board in the 1967-69 biennium for specific projects in cities over 300,000 population, as last determined by the office of program planning and fiscal management, shall remain obligated to such projects for the period through June 30, 1977 unless such project is earlier withdrawn or abandoned by the sponsoring city. This continued obligation of urban arterial trust funds shall be terminated for any project if the sponsoring city earlier provides written notice of withdrawal or abandonment of the project to the urban arterial board or if the city acts to expend any other funds, exclusive of the required matching funds, which have heretofore been allocated or set aside to pay a part of the costs of such project.

After the effective date of this 1975 amendatory act, no additional urban arterial trust funds shall be expended for conceptual or feasibility studies of any project initially authorized prior to June 30, 1969 in a city of over 300,000 population, but such limitation shall not apply to the cost of preparing final plans, specifications and estimates or other contract documents required to advertise the project for competitive bids for its construction."

Renumber the remaining section accordingly.

On page 1, beginning on line 1, after the semi-colon strike all of the material down to and including "(uncodified)" on line 2 and insert "creating new sections".

Signed by: Senators Walgren, Morrison and Beck; Representatives Patterson, Laughlin and Ceccarelli.

MOTION

On motion of Senator Mardesich, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference.

REPORT OF FREE CONFERENCE COMMITTEE

June 6, 1975.

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred ENGROSSED SENATE BILL NO. 2623, requiring reports of child abuse to be forwarded to the prosecuting attorney for investigation and action, have had the same under consideration, and we recommend that Engrossed Senate Bill No. 2623 be adopted with the following amendments to the House Committee amendment:

On page 3 of the House Committee Amendment, line 27, strike "*or threatened*".

On page 6, line 16, strike "*criminal or civil*".

On page 7, line 29, strike "26.04" and insert "26.44".

On page 7, line 38, after "case," insert "when the court finds upon clear, cogent and convincing evidence that an incident of child abuse or neglect has occurred".

On page 8, line 40, after "that child's" strike "health and".

Signed by: Senators Day, Marsh and North; Representatives Parker, Bauer and Eikenberry.

POINT OF ORDER

Senator Pullen: "I would ask you to rule that the proposed amendments of the Free Conference Committee are out of order because they have not solved the problem that the original House committee amendment was ruled out of order, and I would like to speak to that if I may.

REPLY BY THE PRESIDENT

The President: "Senator Pullen has raised the point of order that the report of the free conference committee includes certain amendments that are beyond the scope and object of the bill. Is that correct, Senator Pullen?"

REMARKS BY SENATOR PULLEN

Senator Pullen: "No, Mr. President, what I am contending is that the Free Conference Committee amendments do not solve the problem of the House committee amendment originally being outside the scope and object of the bill. If I might review just a little bit what happened, on May 27 which was when we first received this bill over here in the Senate after having been amended by the House, I raised the question as to whether the House committee amendment which was in effect a new bill, was outside the scope and object. Your ruling was that in effect the proposed amendment was actually the contents of House Bill 44 which makes many changes in the child abuse statutes and that the amendment therefore does change the scope and object of the bill.

"On that very same day Senator Lewis rose to a point of parliamentary inquiry in which he wanted to raise the scope and object question on Senate Bill 2381 and he inquired as to whether it would be appropriate to not raise the question at that time but on a subsequent date after having received action on the bill. Your reply was that the point of order challenging the House amendment to Senate Bill 2381 would still be timely if raised after the House had been given an opportunity to recede from its position on the amendment, and therefore if Senator Lewis withdrew his point of order at that time Senator Lewis would not be foreclosed from raising the point of order later.

"Now my contention here is that my situation is a little bit different than Senator Lewis's because I have already raised the question of scope and object and you have already ruled the House committee amendment to be outside the scope and object and these proposed free conference committee amendments really do not change that particular situation, and so I would raise the question as how they can amend something that the President has already ruled beyond the scope and object of the original bill."

REMARKS BY SENATOR MARSH

Senator Marsh: "Mr. President, speaking to the point of order, I would simply call attention to the fact that this body has granted the powers of Free Conference and that these areas of amendments were specified in our request for Free Conference powers and these areas have been approved by the body. Now it seems to me that Senator Pullen's point of order is untimely, that had he wanted to make this objection he should have made it at the time we requested the powers of free conference. He in fact waived that and laches occurred and I submit it is out of order."

REMARKS BY SENATOR PULLEN

Senator Pullen: "Of course, we have to use a little bit of common sense here. Under our rules, if we raise the question of scope and object and nothing else is done, the bill goes back to committee and in effect is dead and that certainly is not what I would want

at that time. I was hoping that the Free Conference, in substance the Free Conference Committee could achieve some amendments that would put it back within the scope and object. I would also draw the President's attention to Rule 9 of the Joint Rules which says in part that in the case of a Free Conference Committee a report of the items of such disagreement, including new proposed items within the scope and object of the title of the bill are to be considered by the Free Conference Committee, so I certainly would have to raise the question of scope and object once again at this point."

REMARKS BY SENATOR MARSH

Senator Marsh: "Mr. President, speaking again to that particular point, had Senator Pullen raised his concern at the time that we requested the powers of Free Conference, I am sure we would have addressed ourselves to that concern and attempted to have resolved the issue. However, we had no idea that Senator Pullen was still concerned about this particular area and I might submit that there have been at least three conferees working a week on this very intently and here we are being ambushed at the last moment."

REMARKS BY SENATOR MARDESICH

Senator Mardesich: "Mr. President, I gather the President desires time to make a ruling and I suggest that the President do so at his leisure."

The President: "Yes, Senator, the President should like very much to have an opportunity to study this question in depth."

Senator Mardesich: "May we set the matter over until the President has a decision ready?"

The President: "The President will place your motion after, Senator Mardesich."

REMARKS BY SENATOR WASHINGTON

Senator Washington: "Without going into the merits of whether or not this does violate the scope and object, I would submit that Senator Pullen is certainly within the proper procedure to raise it when the actual wording and the matter of the amendment appears before the body for the first time, and that he is timely in raising his motion. I have no opinion as to whether it does violate it or not but certainly this is the same thing as an amendment. It gets at the same problem that the constitutional ruling attempts to get at that you do not change the scope and object of a bill, either by action on the floor or by sending it to a Conference Committee, so I think it is clear that the first time he has had the chance to raise it on the specific issue is when it was placed on the table and the first time it came before you he did raise it."

REMARKS BY SENATOR NORTH

Senator North: "Mr. President, if I might add, what the Conference Committee has done here is to combine two bills, both bills dealing with the same subject and the very same chapter which is a reporting bill regarding child abuse, and both bills are strictly reporting procedures. Now the original bill by Senator Marsh took out the center of this whole chapter, dealt with 26.44.030, 040, 050, and the other bill that has been worked in with this is the same thing. It starts with 26.44.010, 020, goes on, picks up 060, 070, 080, so they are all part of one chapter dealing with the identical subject."

REMARKS BY SENATOR CLARKE

Senator Clarke: "Speaking only on the question of timeliness, I think that Rule 9 very plainly states that on a Free Conference Committee that in case of failure of conferees to agree on matters directly at issue between the two houses, a report of the items of such disagreement, including new proposed items within the scope and object of the title of the bill, so the question of scope and object I think is timely raised and logically must be because if a Free Conference Committee is entitled to consider new matters, obviously the body has the first opportunity of raising the question of scope and object when it comes back, and so I think that the timeliness is plain."

REMARKS BY SENATOR MARDESICH

Senator Mardesich: "I think with one qualification under our rules now we require our Conference Committee to report back as to the matter they will consider in explicit language. Now that might be with respect to the issue as distinguished from exact language, but nevertheless if the issue has been stated in the conference committee report it seems to me that once the Senate has agreed to the matter in the conference report, that the question of timeliness was whether the issue was raised at that time on a question of granting of free powers."

MOTION

On motion of Senator Mardesich, further consideration of the Free Conference report on Engrossed Senate Bill No. 2623 was held for a Ruling by the President.

MESSAGE FROM THE HOUSE

June 5, 1975.

Mr. President: The House has adopted the report of the Conference Committee on ENGROSSED SENATE BILL No. 2341 and has passed the bill as amended by the Conference Committee, and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

REPORT OF CONFERENCE COMMITTEE

June 6, 1975.

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred Engrossed Senate Bill No. 2341, making certain changes in the laws relating to public service companies, have had the same under consideration, and we recommend that the following House amendment be adopted:

On page 2, line 3, add a new paragraph to read as follows:

"The fees collected pursuant to this section shall be approximately the same as the reasonable cost to the commission of supervising and regulating such companies, or classes of companies, respectively: PROVIDED, That the utilities and transportation commission and the department of labor and industries shall jointly enter into an inter-agency agreement or agreements pursuant to chapter 39.34 RCW to divide the responsibility for regulation of railroad safety and health matters with the department assuming jurisdiction of employee occupational safety and health pursuant to chapter 49.17 RCW and the commission retaining responsibility for general rail safety affecting the public in accordance with Title 81 RCW and the fees collected from railroad companies pursuant to this section may be divided proportionately in accordance with the scope of the tasks divided under this proviso."

Signed by: Senators Ridder and Bottiger; Representatives McCormick and Parker.

MOTION

Senator Mardesich moved the report of the Conference Committee be adopted.

Debate ensued.

Senator Ridder demanded a roll call and the demand was sustained by Senators Goltz, Rasmussen, Stortini, Mardesich, Lewis (Harry), Matson, Walgren, Keefe and Beck.

POINT OF ORDER

Senator Lewis (Harry): "Mr. President, I would like to raise the question of scope and object.

"Mr. President, I recognize that we have not had rulings like this in the past but I think the issue is of importance and I think that the conference report is an expansion of scope and object under the rules of the Senate and I would ask the President to rule thereon."

MOTION

On motion of Senator Mardesich, further consideration of the Conference Committee report on Engrossed Senate Bill No. 2341 was ordered held for a Ruling by the President.

MESSAGES FROM THE HOUSE

June 6, 1975.

Mr. President: The House has granted the request of the Senate for a conference on ENGROSSED HOUSE BILL NO. 49 and the Senate amendments thereto and the Speaker has appointed as members of the conference committee thereon: Representatives Becker, Smith (Rick), and Greengo.

DEAN R. FOSTER, Chief Clerk.

June 6, 1975.

Mr. President: The House has adopted the report of the Free Conference Committee on SUBSTITUTE HOUSE BILL NO. 1078, and has passed the bill as amended by the Free Conference Committee.

DONALD R. WILSON, Assistant Chief Clerk.

June 6, 1975.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 154 and has passed the bill as amended by the Senate.

DONALD R. WILSON, Assistant Chief Clerk.

June 6, 1975.

Mr. President: The House has adopted the report of the Free Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 32, and has passed the bill as amended by the Free Conference Committee.

DONALD R. WILSON, Assistant Chief Clerk.

June 6, 1975.

Mr. President: The House has adopted the report of the Free Conference Committee on ENGROSSED HOUSE BILL NO. 173 and has passed the bill as amended by the Free Conference Committee.

DONALD R. WILSON, Assistant Chief Clerk.

June 6, 1975.

Mr. President: The House has granted the request of the Senate for a conference on ENGROSSED SENATE BILL NO. 2346 and the House amendments thereto and the Speaker has appointed as members of the conference committee thereon: Representatives Bauer, Hurley (George) and Brown.

DEAN R. FOSTER, Chief Clerk.

June 6, 1975.

Mr. President: The House has granted the request of the Senate for a conference on ENGROSSED HOUSE BILL NO. 612, and the Senate amendments thereto and the Speaker has appointed as members of the conference committee thereon: Representatives Gallagher, Deccio and Chatalas.

DEAN R. FOSTER, Chief Clerk.

June 6, 1975.

Mr. President: The Speaker has signed: SUBSTITUTE SENATE BILL NO. 2092, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

June 6, 1975.

Mr. President: The Speaker has signed:

HOUSE BILL NO. 176,

SUBSTITUTE HOUSE BILL NO. 198,

SUBSTITUTE HOUSE BILL NO. 211, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President Signed:

HOUSE BILL NO. 176,

SUBSTITUTE HOUSE BILL NO. 198,

SUBSTITUTE HOUSE BILL NO. 211.

MOTIONS

On motion of Senator Mardesich, the Senate advanced to the sixth order of business.

On motion of Senator Mardesich, the Senate commenced consideration of Senate Concurrent Resolution No. 112.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 112, by Senators Jolly, Sellar, Wilson, Benitz and Day:

Recognizing the centennial celebration of state agriculture experiment stations and honoring the WSU Agricultural Research Center.

The resolution was read the second time in full.

MOTIONS

On motion of Senator Guess, the rules were suspended and all members and the President of the Senate were permitted as additional sponsors to Senate Concurrent Resolution No. 112.

On motion of Senator Jolly, the rules were suspended, Senate Concurrent Resolution No. 112 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of House Bill No. 695.

SECOND READING

HOUSE BILL NO. 695, by Representatives Smith (Rick), Eikenberry, Charette, Newhouse and Hayner:

Clarifying filing and service requirements for enforcing liens.

REPORT OF STANDING COMMITTEE

May 29, 1975.

HOUSE BILL NO. 695, clarifying filing and service requirements for enforcing liens (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendment:

On line 22, after "*period,*" and before "*service*" strike "*followed by*" and insert "*and*" and on line 22, after "*complaint*" and before "*upon*" insert "*shall be made*" and on line 24, after "*publication,*" and before "*ninety days*" strike "*within*" and insert "*not later than*".

Signed by: Senators Francis, Chairman; Clarke, Jones, Scott, Van Hollebeke, Woody. The bill was read the second time by sections.

On motion of Senator Clarke, the committee amendment was adopted.

Senator Guess moved adoption of the following amendment:

On page 1, after line 25, add the following:

"Section 2. Section 1, chapter 345, Laws of 1909 as amended by Section 1, chapter 84, Laws of 1969 Ex. Sess., and RCW 60.04.020 are each amended to read as follows:

Every person, firm or corporation furnishing materials or supplies 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 building, or any other structure, or mining claim or stone quarry, shall give to the owner or reputed owner of the property on, upon or about which such materials or supplies or equipment is and/or were used, a notice in writing, which notice shall cover the material, supplies, and equipment furnished or leased during the sixty days preceeding the giving of such notice as well as all subsequent materials, supplies or equipment furnished or leased stating in substance and effect that such person, firm or corporation is and/or has furnished materials and supplies or equipment for use thereon, with the name of the contractor or agent ordering the same, and that a lien may be claimed for all materials and supplies, or equipment furnished by such person, firm or corporation for use thereon, which notice shall be given by mailing the same by registered or certified mail in an envelope addressed to the owner or reputed owner at his place of residence or reputed residence *and by registered or certified mail to the general contractor who has a contract with the owner as an independent contractor and not as an employee*: PROVIDED, HOWEVER, That with respect to materials or supplies or equipment used in construction, alteration or repair of any single family residence or garage such notice must be given not later than ten days after the date of the first delivery of such materials or supplies or equipment. No materialmen's lien shall be enforced unless the provisions of this section have been complied with: PROVIDED, That in the event the notice required by this section is not given within the time specified by this section, any lien or claim of lien shall be enforceable only for materials and supplies or equipment delivered subsequent to such notice being given to the owner or reputed owner, and such lien or claim of lien shall be secondary to any lien or claim of lien established where such notice was given within the time limits prescribed by this section."

MOTION

On motion of Senator Woody, House Bill No. 695, as amended by the Senate, together with the pending amendment by Senator Guess, was ordered placed at the beginning of the second reading calendar for Saturday, June 7, 1975.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Substitute House Bill No. 860.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 860, by Committee on Transportation and Utilities (originally sponsored by Representatives Perry and Patterson):

Relating to transportation studies.

REPORT OF STANDING COMMITTEE

May 29, 1975.

SUBSTITUTE HOUSE BILL NO. 860, relating to transportation studies (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 26, after "*the committee*" and before "*may*" strike the comma

On page 2, line 15, after "*employees*" and before the comma insert "*of the legislative transportation committee*"

On page 3, line 2, after "*regulation of*" and before "*log*" insert "*common and contract carriers,*"

On page 4, line 2, after "*from*" and before "*to*" strike "*Kiena*" and insert "*Kiona*"

On page 5, line 15, after "*stops*" and before "*on*" insert "*and their management*"

On page 6, following line 26, add a new subsection to read as follows:

"(28) In concert with appropriate persons, jurisdictions, and agencies, review previous plans, designs, studies, proposals, hearings, and any manner of pertinent information concerning the West Seattle access development project. Such review shall commence no later than July 1, 1975, and the committee shall report recommendations on future disposition of the project to the legislature at the next regular or extraordinary session which convenes after January 1, 1976."

On page 6, line 29, after "The" strike "legislative transportation committee" and insert "senate and house transportation and utilities committees"

On page 7, line 21, after "The" strike "legislative transportation committee" and insert "senate and house transportation and utilities committees"

On page 8, line 14, strike "fro" and insert "for"

Signed by: Senators Walgren, Chairman; Henry, Vice Chairman; Beck, Benitz, Bluechel, Bottiger, Guess, Jolly, Knoblauch, Lewis (R. H. "Bob"), Morrison, Peterson, Sellar, Stortini, Talley, Wanamaker.

The bill was read the second time by sections.

On motion of Senator Walgren, the committee amendments were adopted with the exception of the committee amendment to page 6, following line 26 adding a new subsection which was not adopted.

On motion of Senator Walgren, the following amendment by Senators Walgren, Francis and Jones was adopted:

On page 6, following line 26, add a new subsection to read as follows:

"(29) A review of policies relative to providing reasonably safe bicycle traveling facilities adjacent to or in conjunction with public highways, in general, and on bridges and structures, in particular."

President Pro Tempore Henry assumed the Chair.

On motion of Senator Walgren, the rules were suspended, Substitute House Bill No. 860, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 860, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

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

Excused: Senators Francis, Murray—2.

SUBSTITUTE HOUSE BILL NO. 860, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Mardesich, the Senate resumed consideration of Engrossed House Bill No. 436.

SECOND READING

ENGROSSED HOUSE BILL NO. 436, by Representatives Bausch, Parker and Curtis (by Department of Employment Security request):

Prescribing changes in unemployment compensation laws.

The Senate resumed consideration of Engrossed House Bill No. 436. On June 5, 1975, the committee amendments were adopted.

On motion of Senator Ridder, the rules were suspended, Engrossed House Bill No.

436, 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. 436, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

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

Excused: Senators Francis, Murray—2.

ENGROSSED HOUSE BILL NO. 436, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Mardesich, the following was re-referred to the Committee on Rules:

SENATE BILL NO. 2965, by Senator Bailey:

Relating to the veterans' bonus.

MOTIONS

On motion of Senator Mardesich, the Senate returned to the fourth order of business.

On motion of Senator Mardesich, the Senate commenced consideration of the House Message on Substitute House Bill No. 867.

MESSAGE FROM THE HOUSE

June 3, 1975.

Mr. President: The House refuses to concur in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 867 and asks the Senate to recede therefrom, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Wilson, the Senate refused to recede from the Senate amendments to Substitute House Bill No. 867 and asks the House for a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 867 and the Senate amendments thereto: Senators Wilson, Jolly and Benitz.

MOTION

On motion of Senator Mardesich, the Conference Committee appointments were confirmed.

MOTIONS

On motion of Senator Mardesich, the Senate advanced to the sixth order of business.

On motion of Senator Mardesich, the Senate resumed consideration of Engrossed Substitute House Bill No. 818.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 818, by Committee on Transportation and Utilities (originally sponsored by Representatives Thompson, Berentson and Conner):

Providing regulations on removal of motor vehicles from private property.

The Senate resumed consideration of Engrossed Substitute House Bill No. 818 from earlier today. The following committee amendments were read at that time:

Beginning on page 1 of the engrossed and printed bill, strike all of section 1, section 2, section 3, and section 4.

On page 4, line 8 of the engrossed and printed bill, after "*NEW SECTION.*" strike "Sec. 5." and insert "Section 1." and on line 9, after "property" strike "pursuant to sections 2 or 3 of this 1975 amendatory act" and on line 18, after "PROVIDED HOWEVER," strike the remainder of the section and insert "That any person who stops payment on a personal check with intent to defraud a towing firm which has provided a service pursuant to this section, or in any other manner defrauds the towing firm in connection with services rendered pursuant to this section shall be liable for damages in the amount of twice the towing and storage fees, plus costs and reasonable attorney's fees: PROVIDED FURTHER, That every towing firm providing service pursuant to this section shall post a true copy of this section in a conspicuous place upon its business premises".

Beginning on page 4 of the engrossed and printed bill, strike all of section 6, section 7, and section 8.

Renumber the remaining sections accordingly.

On line 2 of the title, after "property;" strike all of the material down to and including "RCW;" on line 4.

Senator Mardesich moved the committee amendment to page 1, striking sections 1, 2, 3 and 4 not be adopted.

Senator Cunningham demanded a roll call and the demand was sustained by Senators Bailey, Rasmussen, Guess, Jolly, Wilson, Van Hollebeke, Ridder, Donohue and Stortini.

The President declared the question before the Senate to be the roll call on the motion by Senator Mardesich that the committee amendment beginning on page 1 of Engrossed Substitute House Bill No. 818 striking all of sections 1, 2, 3 and 4 not be adopted.

ROLL CALL

The Secretary called the roll and the committee amendment was not adopted by the following vote: Yeas, 44; nays, 3; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Goltz, Gould, Guess, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—44.

Voting nay: Senators Grant, Jones, Scott—3.

Excused: Senators Francis, Murray—2.

On motion of Senator Morrison, the committee amendments to page 4, line 8 and page 4 striking all of sections 6, 7 and 8 were not adopted.

Senator Morrison moved adoption of the following amendment:

On page 4, line 18 of the engrossed bill, after "HOWEVER," insert "That any person who stops payment on a personal check with intent to defraud a towing firm which has provided a service pursuant to this section, or in any other manner defrauds the towing firm in connection with services rendered pursuant to this section shall be liable for damages in the amount of twice the towing and storage fees, plus costs and reasonable attorney's fees: PROVIDED FURTHER, That every towing firm providing

service pursuant to this section shall post a true copy of this section in a conspicuous place upon its business premises: PROVIDED FURTHER,".

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Bottiger yield to a question? Senator Bottiger, in the event that I finally locate where my car is after it has been confiscated by a towing company under orders from somebody or other and it is three o'clock in the morning and I issue a check and it is for one hundred and fifty dollars, and the longer I think about it I think that I have been defrauded so I stop payment on that check first thing in the morning. Would that make me liable under this?"

Senator Bottiger: "Senator Rasmussen, the towing company would have to prove that you stopped payment with the intent to defraud. Now that is not an easy burden to establish, but if they did establish that you intended to defraud them, then you would have to pay double the towing charge."

Senator Rasmussen: "Now what enters my mind is, who is going to be on the defensive on this? Ordinarily if you issue a check and you determine that there is something wrong with the deal, why you notify your bank and they stop payment for you automatically. Then it is the subject of a lawsuit if they have a claim, but in this case we are writing a law that says that we are defrauding them if we stop payment on the check."

Senator Bottiger: "No, Senator Rasmussen, you are not. It says that if you stop payment on the check with the intent to defraud them. Now defraud is a word of art. It requires clear, cogent, convincing evidence that that is what you intended to do, that you had absolutely no basis for stopping payment on that check, and if the towing company can establish that, then you will have to pay double the towing charge. If they cannot, you may not pay anything. You may only pay the original towing charge, but the burden would be on the towing company to establish that you had done that with the intent to defraud them. That is a pretty tough burden, Senator Rasmussen."

Senator Rasmussen: "This is better than the way it was then."

POINT OF INQUIRY

Senator Guess: "Senator Bottiger, would you yield? Now that we are changing this around a good bit from what it came out of the committee and we have other parts to the bill other than just this one section, would you describe for me what happens if a person, as has been said, goes and picks his car up, he gives the tow truck driver a check, and then—he is mad when he gives it to him. He knows in his heart then that he is going to go stop the check the first thing the next morning. Is that, the plain act of stoppage, an act of defrauding?"

Senator Bottiger: "That would be a close question. You will notice that Senator Morrison very wisely added a section requiring a copy of this section be posted in a conspicuous place upon the business premises. That in my mind would be something like the Tax Commission requirement that your tax notice be in a sense, right by wherever they can read it. If he intends, 'Boy, I am going to get even with these guys; I am going to stop payment,' I would say that he probably intended to defraud them."

Senator Guess: "But he would have to go to court and then if the towing truck company won it, then he would also win attorneys fees. Is that right?"

Senator Bottiger: "Attorney fees and double the charge. Senator Guess, as a practical matter, you have not asked me that but if you have, as a practical matter the attorney for the towing company will write this guy a letter and say, 'You had better make that check good. Here is the law. If you have a valid claim why you should not pay that check let us know and we will talk about it. If you do not have, then we are going to file an action for double the towing charge and the attorney fee.' That should send him to his attorney and his attorney will tell him to pay it unless there has been a valid reason and if there is a valid reason, he will not owe them double the charges."

Senator Guess: "Fine, Thank you very much, Senator."

POINT OF INQUIRY

Senator Talley: "Would Senator Bottiger yield? Senator Bottiger, in all my time in the legislature, and I wanted your opinion on it, I never have seen a law that says a man in business had to extend thirty days' credit."

Senator Bottiger: "I do not know that I have either and I do not see anything in this bill that says he has to. Is this in the amendment or in the bill?"

Senator Talley: "'Requires release of a vehicle to any person who provides adequate proof of his financial responsibility, employment and residence in the community with the understanding that the cost will be paid within thirty days.'"

Senator Bottiger: "Senator Talley, I do not have the bill right in front of me. I have the digest. It is thirty days to pay a bill and, Senator Talley, some of these bills can run up to a couple of hundred dollars. In that sense, if the person has all of this required proof, that is not unusual in the business community for thirty days to pay."

Senator Talley: "I am not arguing that part of it, but by law telling a man he has to extend credit, I just cannot see that at all."

Senator Bottiger: "It is pretty well conditioned upon much he has to prove, appropriate credit cards, valid license, valid identification. You point out also in this case, and again as I said before, that we have an unusual situation where a few companies have a license by these lists that are out there to, in a sense, they have a monopoly on that area and since the state is helping them, creating a monopoly situation, I do not think that is unreasonable to give them thirty days to pay some of these bills."

POINT OF INQUIRY

Senator Van Hollebeke: "Would Senator Bottiger yield to a question? Senator, I am not sure just exactly what is left of this bill. I was concerned for, say, a situation where you have this piece of property out in the country where you find a car. Once Senator Woody takes its trailer off of it, it perhaps would not be considered family residential property and there is quite a bit of property that might not be considered family residential property and you get out there and you find a car on it, then if I understand the bill correctly, or do I understand it correctly, to mean that your only remedy would be a remedy at law or in the courts rather than being able to take the usual common law remedy of removing the vehicle and holding it for the owner?"

Senator Bottiger: "The bill only requires that you make a reasonable effort to notify the owner of that vehicle that you are going to have it impounded, which does not apply to residential property. If somebody parks their car in your driveway you can tow it away the next morning."

Senator Van Hollebeke: "Yes, I say, all property that is not considered family residential property, but I am just a little concerned and I wanted to get some input from you on it. I was thinking of the situation where somebody knows they are trespassing when they do it and just because it is not . . ."

Senator Bottiger: "Of course, vehicles are licensed in this state and it is a very simple matter of calling and finding out who is the registered owner, sending them a notice, and if they do not remove it then go ahead through your normal remedies of impoundment, but the problem is that cars are towed away and sometimes you can never find out who ordered them towed away. They were parked in a public street and all of a sudden they are gone."

Senator Van Hollebeke: "But you will not have that normal remedy of towing it away if you do not have it posted, would you?"

Senator Bottiger: "On private commercial property."

Senator Van Hollebeke: "Yes. Thank you."

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

On motion of Senator Mardesich, the committee amendment to the title was not adopted.

On motion of Senator Bottiger, the rules were suspended. Engrossed Substitute House Bill No. 818, as amended by the Senate, was advanced to third reading. The second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "I wonder if Senator Bottiger would yield to one more question? Senator Bottiger, under the law now as we have it relating to the pawnbrokers, you go there and you find a stolen article that belongs to you, you can demand it back. Is this correct? Can you do the same thing if you find your car that is stolen at a tow truck operator's place?"

Senator Bottiger: "Senator Rasmussen, you start with the premise that you could do that at a pawnbrokers. I do not believe that is correct. I know that has been a subject of legislation down here for some time and I do not believe that has passed."

Senator Rasmussen: "I think we passed that the last session."

Senator Bottiger: You may be right. The possessory lien on an automobile that has been stolen I would presume still exists and maybe had we had more time we could have added that as an amendment to this bill."

Senator Rasmussen: "Do it next time."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 818, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 34; nays, 13; excused, 2.

Voting yea: Senators Bailey, Beck, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Goltz, Gould, Grant, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis (Harry), Mardesich, Marsh, McDermott, Morrison, North, Odegard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Stortini, von Reichbauer, Washington, Woody—34.

Voting nay: Senators Benitz, Guess, Jones, Lewis (R. H. "Bob"), Matson, Newschwander, Scott, Sellar, Talley, Van Hollebeke, Walgren, Wanamaker, Wilson—13.

Excused: Senators Francis, Murray—2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 818, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Mardesich, the Senate dispensed with the Call of the Senate.

At 8:18 p.m., on motion of Senator Mardesich, the Senate adjourned until 10:00 a.m., Saturday, June 7, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

EIGHTY-SIXTH DAY**MORNING SESSION**

Senate Chamber, Olympia, Saturday, June 7, 1975.

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators McDermott and Murray. On motion of Senator Knoblauch, Senator McDermott was excused. On motion of Senator Lewis (R. H. "Bob"), Senator Murray was excused.

The Color Guard, consisting of Pages Betsy Mayer and Douglas Scott, presented the Colors. Reverend Paul J. Beeman, pastor of the First United Methodist Church of Olympia, offered the following prayer:

"O GOD. IT IS FROM YOU THAT EVERY GOOD PRAYER COMES, IT IS FROM YOU THAT OUR PUREST MOTIVES AND HOLIEST DESIRES EMANATE. IT IS FROM YOU THAT COMES OUR DEEPEST DESIRES FOR SERVICE ABOVE SELF. IT IS TO YOU, FATHER, THAT WE ADDRESS OUR PRAYER, AND IT IS TO YOU THAT WE DEDICATE THIS DAY. LET US FIND WITHIN THE CONCERNS AND CONVERSATIONS, THE HEARTACHES AND THE HOPES OF THE DAY, THE VERY FABRIC OF YOUR WILL AND WAY FOR OUR LIVES. LET US DISCOVER BEHIND THE SCHEDULED PACE OF THESE HOURS, THE INEVITABLE PURPOSES OF GOD. TOUCH EACH ONE OF US WITH YOUR GLORY AND GRANDEUR, THAT OUR DAY MAY TRULY BECOME YOUR DAY, AND THAT AT ITS END, OUR LIVES MAY HAVE BEEN LIVED AS DISCIPLES, APOSTLES, AND STEWARDS OF YOUR WAY. IN CHRIST WE PRAY. AMEN."

MOTION

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

At 10:10 a.m., the President declared the Senate to be at ease.

The President called the Senate to order at 10:40 a.m.

POINT OF INQUIRY

Senator Herr: "Senator Grant, I have been a little confused about you in the last few days. I just wondered how everything was going up on the pig ranch."

Senator Grant: "Senator, I did not know your confusion was just about me and I did not know it was limited just to the last few days. Everything is going fine at the farm."

Senator Herr: "Thank you, Senator Grant."

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Engrossed House Bill No. 798.

SECOND READING

ENGROSSED HOUSE BILL NO. 798, by Representatives Kuehnle, Savage and Jueling:

Allowing supervisor of industrial insurance to authorize continuing medication necessary to alleviate pain for persons with permanent total disabilities.

The bill was read the second time by sections.

On motion of Senator Mardesich, 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.

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, 43; absent or not voting, 4; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bottiger, Buffington, Clarke, Cunningham, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, Newschwander, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—43.

Absent or not voting: Senators Bluechel, Day, Keefe, North—4.

Excused: Senators McDermott, Murray—2.

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.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Engrossed House Bill No. 671.

SECOND READING

ENGROSSED HOUSE BILL NO. 671, by Representatives Sommers and Randall: Modifying timber tax revenue distribution dates.

MOTION

On motion of Senator Lewis (R. H. "Bob"), Senators Matson and Newschwander were excused.

REPORT OF STANDING COMMITTEE

May 31, 1975.

ENGROSSED HOUSE BILL NO. 671, modifying timber tax revenue distribution dates (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendments:

On page 5, beginning on line 9 add a section to read as follows:

"Sec. 2. Section 8, chapter 294, Laws of 1971 ex. sess. as last amended by section 2, chapter 187, Laws of 1974 ex. sess. and RCW 84.33.080 are each amended to read as follows:

(1) On or before December 15 of each year commencing with 1972 and ending with 1980, the assessor of each timber county shall deliver to the treasurer of each county and to the department of revenue a schedule setting forth for each taxing district or portion thereof lying within such county:

(a) The value of timber as shown on the timber roll for such year;

(b) The aggregate dollar rate calculated pursuant to RCW 84.33.060 and actually utilized the immediately preceding October in extending real property taxes upon the tax rolls for collection in the following year;

(c) A "timber factor" which is the product of such aggregate dollar rate, the assessment ratio applied generally by such assessor in computing the assessed value of other property in his county and the appropriate portion listed below of the timber roll of such year ((a) above):

YEAR
1972

PORTION OF TIMBER ROLL
25%

1973	55%
1974 through 1977	100%
1978	75%
1979	50%
1980	25%

On or before December 31 of each year commencing with 1972 and ending with 1980, the department of revenue shall determine the proportion that each taxing district's timber factor bears to the sum of the timber factors for all taxing districts in the state, and shall deliver a list to the assessor and the treasurer of each timber county and to the state treasurer showing the factor and proportion for each taxing district.

(2) On the twentieth day of the second month of each calendar quarter, commencing February 20, 1974 and ending November 20, 1981, the state treasurer shall pay to the treasurer of each timber county for the account of each taxing district such district's proportion (determined in December of the preceding year pursuant to subsection (1) of this section) of the amount in state timber tax fund A collected upon timber harvested in the preceding calendar quarter, but in no event shall any such quarterly payment to a taxing district, when added to such payments made to such district the previous quarters of the same year, exceed, respectively one-fourth, one-half, three-fourths, or the full amount of the timber factor for such district determined in December of the preceding year.

The balance in state timber tax fund A, if any, after the distribution to taxing districts on November 20, 1974 and on the twentieth day of the second month of each calendar quarter commencing February 20, 1975 and ending November 20, 1981 shall be transferred to the state timber reserve fund.

(3) If the balance in state timber tax fund A immediately prior to such twentieth day of the second month of each calendar quarter is not sufficient to permit a payment of one-fourth, one-half, three-fourths, or the full amount, as the case may be, which, when added to the payments made to any taxing district the previous quarters of the same year, will equal the timber factor for such district determined in December of the preceding year, the necessary additional amount shall be transferred from the state timber reserve fund to state timber tax fund A.

(4) If, after the transfer, if any, from the state timber tax fund A (pursuant to subsection (2) of this section) in *November of 1974 only and in August of any year thereafter* commencing with [1974] 1975, the balance in the state timber reserve fund exceeds two million dollars, the amount of the excess shall be applied first, subject to legislative appropriation of funds allocated from the state timber reserve fund, for activities undertaken by the department of revenue forest valuation section and for the activities undertaken by the department of natural resources relating to classification of lands as required by this chapter: *PROVIDED, That within the 1973-75 biennium, the state treasurer shall transfer from the state timber reserve fund to the state general fund an amount equal to actual expenditures of the department of revenue related to the activities of the forest valuation section no later than August 31, 1974 and August 31, 1975, for the fiscal year just completed. If the amount of such excess is more than is necessary for reimbursement for such purposes, the remaining amount of the excess shall be distributed to the taxing districts which distribution shall be made in the following manner:*

(a) The department of revenue shall calculate a harvest factor and a harvest factor proportion for each taxing district, in the manner provided in subsections (a) through (d) of subsection (5) of this section except that for years before 1978 there shall be used the aggregate value of timber harvested for as many quarters for which information is available: *PROVIDED, That for any excess reserve fund disbursements made for 1975 such calculations shall be made by the department in the manner prescribed in this subsection as soon as practicable after the effective date of this amendatory act using the appropriate tax rates determined in October of 1974. The department shall notify the treasurer of each timber county of the results of such calculations for that county by September 30 of each year.*

(b) By multiplying the amount of such excess by the harvest factor proportion for each taxing district respectively, the department of revenue shall calculate the amount to be distributed to each local taxing district and to the state and shall certify such amounts to the respective county assessors and state;

(c) Along with each quarterly payment pursuant to subsection (2) of this section, the state treasurer shall pay, out of the state timber reserve fund, to the treasurer of each timber county for the account of each local taxing district one-fourth of such district's portion (determined pursuant to (b) above) of such excess and the state treasurer shall pay into the state's general fund for the support of the common schools out of the state timber reserve fund such additional one-fourth amount due the state: *PROVIDED, That the portion of any excess reserve fund disbursements made to each taxing district which is attributable to the tax rate or rates established for retirement of general obligation bonds issued for capital purposes shall be allocated by such taxing district to and applied by such taxing district to the annual installment required for the retirement of such general obligation bonds, but no part of such disbursements for retirement of general obligation bonds shall be treated as local revenues for purposes of apportionment by the superintendent of public instruction under RCW 28A.41.130.*

The balance, if any, in the state timber reserve fund after the final transfer, if any, to or from state timber tax fund A in November of 1981, shall be transferred to state timber tax fund B on December 31, 1981, and one-fourth of such balance shall be distributed in each quarter of 1982 in the manner set forth in subsection (6) of this section.

(5) On or before December 31 of each year commencing with 1978, the department of revenue shall deliver to the treasurer of each timber county a schedule setting forth for each taxing district or portion thereof lying within such county:

(a) The average of the aggregate value of all timber harvested within such district in each of the immediately preceding five years as determined from the excise tax returns filed with the department of revenue;

(b) The aggregate dollar rate calculated pursuant to RCW 84.33.060 and chapter 84.52 RCW and actually utilized the immediately preceding October in extending real property taxes upon the tax rolls for collection the following year;

(c) A "harvest factor" which is the product of such five year average and such aggregate dollar rate;

(d) The proportion that each taxing district's harvest factor bears to the sum of the harvest factors for all taxing districts in the state.

(6) On the twentieth day of the second month of each calendar quarter commencing February 20, 1979, the state treasurer shall pay to the treasurer of each timber county for the account of each taxing district such district's proportion (determined in December of the preceding year pursuant to subsection (5) of this section) of the amount in state timber tax fund B collected upon timber harvested in the preceding calendar quarter.

NEW SECTION. Sec. 3. This 1975 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On line 1 of the title after "taxation;" and before "amending" delete "and".

On line 3 of the title after "RCW 82.04.291" and before the period insert "; amending section 8, chapter 294, Laws of 1971 ex. sess. as last amended by section 2, chapter 187, Laws of 1974 ex. sess. and RCW 84.33.080; and declaring an emergency".

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson, Second Vice Chairman; Clarke, Grant, Jones, Lewis (Harry), Mardesich, Marsh, Rasmussen, Sandison, Scott, Washington, Woody.

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 committee amendments to the title were adopted.

On motion of Senator Odegaard, the rules were suspended, Engrossed House Bill No. 671, 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. 671, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 2; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Morri-son, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—43.

Absent or not voting: Senators Day, Keefe—2.

Excused: Senators Matson, McDermott, Murray, Newschwander—4.

ENGROSSED HOUSE BILL NO. 671, 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 Odegaard, Engrossed House Bill No. 671, as amended by the Senate, was ordered immediately transmitted to the House.

MOTIONS

On motion of Senator Mardesich, the Senate returned to the fourth order of business.

On motion of Senator Mardesich, the Senate commenced consideration of the House Message on Substitute House Bill No. 378.

MESSAGE FROM THE HOUSE

June 5, 1975.

Mr. President: The House has concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 378 except the amendments on page 2, new sections 2 and 3; and to line 2 of the title, and asks the Senate to recede therefrom, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

Senator Rasmussen moved that the Senate recede from its amendment to Substitute House Bill No. 378 on page 2, adding a new section 2, and adhere to its position on the amendment on page 2, adding new section 3 and to the amendment to line 2 of the title, and insist that the House concur therewith.

MOTION

On motion of Senator Bottiger, further consideration of the House Message on Substitute House Bill No. 378 was made a special order of business for 11:30 a.m. today.

MOTION

On motion of Senator Mardesich, the Senate returned to the second order of business.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of the Conference Committee report on Engrossed House Bill No. 774.

REPORT OF CONFERENCE COMMITTEE

June 6, 1975

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED HOUSE BILL NO. 774, regulating and licensing massage businesses, have had the same under consideration, and report that we cannot agree and request the powers of Free Conference to propose the following amendments to the Senate committee amendment to Engrossed House Bill No. 774:

On page 1, line 18, of the Senate committee amendment, after "vehicles" strike the period, insert a semi-colon, and add a new subsection as follows:

"(5) Massage business means the operation of a business where massages are given."

On page 4, line 8 of the Senate committee amendment, after "PROVIDED, That" strike all language down to the period on line 11 and insert "the board shall give an appropriate alternate form of examination for persons who cannot read or speak English to determine equivalent competency".

On page 4 of the Senate committee amendment, after section 7, insert a new section as follows:

"**NEW SECTION.** Sec. 8. Massage operators engaged in the massage business for less than one year prior to the effective date of this 1975 act shall have six months from the effective date of this 1975 act to qualify for a massage operator's license, and shall be entitled to continue in said business during that period of time upon a showing of satisfactory proof of good health to the director.

Any person who has, for one year or more immediately prior to the effective date of this 1975 act, been a resident of this state and been actively engaged in the practice of massage as a massage operator shall, upon application and payment of required fees, be licensed to practice massage and shall be exempt from the requirements of examination, provided that within ninety days of the effective date of this 1975 act, he or she shall make application with the director on forms to be provided for that purpose: **PROVIDED, HOWEVER,** That this section shall not apply where the applicant has been previously convicted of a crime involving moral turpitude in connection with his or her practice as a massage operator. The board shall give appropriate notice to persons presently doing business in this state as massage operators of the new requirements of the law."

Renumber sections 8, 9 and 10 of the Senate committee amendment to read 9, 10 and 11.

On page 4, after section 10 of the Senate committee amendment, renumbered section 11, insert the following new sections:

"**NEW SECTION.** Sec. 12. It shall be unlawful to advertise the practice of massage by a business not licensed by the director.

NEW SECTION. Sec. 13. No person shall conduct a massage business without a massage business license issued by the director and, where required, by the political subdivision within whose jurisdiction the massage business is located. No massage business shall hire a massage operator who is not licensed by the director, provided that this requirement shall not become effective until six months after the effective date of this 1975 act.

NEW SECTION. Sec. 14. This chapter does not apply to:

(1) Massage practiced at the athletic department of any institution maintained by the public funds of the state, or any of its political subdivisions;

(2) Massage practiced at the athletic department of any primary or secondary school, or institution of higher education; and

(3) Massage practiced at the athletic department of any nonprofit organization licensed under RCW 66.24.400 and RCW 66.24.450.

NEW SECTION. Sec. 15. Massage business license shall expire annually. Failure to pay the annual license renewal fee shall render the license invalid, but such license

may be reinstated upon written application thereof to the director, and payment to the state of a penalty of ten dollars together with all delinquent annual license renewal fees.

NEW SECTION. Sec. 16. The director shall approve issuance of a massage business license to any applicant who supplies the following information:

(1) The name, home address, telephone number, and social security number and birth certificate of the applicant and of all persons named under subsections (3) and (4) of this section; and

(2) The business name, business address and telephone number of the establishment or proposed establishment and a description of the premises on which said business will be conducted; and

(3) The names of all persons owning an interest in such business or proposed business, including any corporate stockholders, and whether such business will be conducted as a sole proprietorship, partnership, or corporation; if a partnership, giving the names of all persons sharing in the profits of said business, and if a corporation giving the names of its officers and directors and the title of each; and

(4) The names of all persons who will act as proprietor, manager, or person in charge of such business or proposed business; and

(5) Evidence that the facilities of the applicant's massage business comply with the standards established by the director.

NEW SECTION. Sec. 17. The fee for application for, and renewal of a massage business license shall be determined by the director as provided in RCW 43.24.085 as now or hereafter amended: PROVIDED, That only one fee shall be required where an applicant applies for both a license to practice massage and for a business license.

NEW SECTION. Sec. 18. The director may deny issuance or renewal of any license authorized under this chapter, or suspend or revoke any such license, if the licensee:

(1) Has violated any provision of this chapter, or any rule or regulation of the director adopted pursuant to this chapter;

(2) Has made any false statement or representation to the director in order to induce or prevent action by the director;

(3) Has displayed improper, unprofessional, or dishonorable conduct in the operation of his massage business;

(4) Has been convicted of a crime, in connection with the licensee's practice as a massage operator, of lewdness or moral turpitude or possession, use or distribution of a schedule I controlled substance, except marihuana, as defined in RCW 69.50.204, or has forfeited a bond to appear in court for any of the foregoing offenses;

(5) Has failed or refused to qualify for or obtain any business license required by the local political subdivision within whose jurisdiction the massage business is located.

NEW SECTION. Sec. 19. The director or any of his authorized representatives may at any time visit and inspect the premises of each massage business establishment in order to ascertain whether it is conducted in compliance with the law, including the provisions of this chapter and the rules and regulations of the director. The operator of such massage business shall furnish such reports and information as may be required.

NEW SECTION. Sec. 20. State and local law enforcement personnel shall have the authority to inspect the premises at any time including business hours.

NEW SECTION. Sec. 21. The director is authorized to promulgate rules and regulations in accordance with 34.04 RCW to carry out the provisions of this act relating to the regulation of massage businesses in this state.

NEW SECTION. Sec. 22. The provisions of this chapter relating to the registration and licensing of any massage business shall not be exclusive and any political subdivision of the state of Washington within whose jurisdiction the massage business is located may require any registrations or licenses, or charge any fee for the same or similar purpose; and nothing herein shall limit or abridge the authority of any political subdivision to levy and collect a general and nondiscriminatory license fee levied upon all businesses, or to levy a tax based upon gross business conducted by any firm within said political subdivision."

Renumber the remaining sections consecutively.

On page 5, line 6 of the Senate committee amendment, after "through" strike "10" and insert "22".

Signed by: Senators Scott, Day and Wilson; Representatives Parker, O'Brien and Dunlap.

MOTION

Senator Day moved the report of the Conference Committee be adopted and the committee granted the powers of Free Conference.

POINT OF INQUIRY

Senator Lewis (R. H. "Bob"): "Will Senator Day yield? Senator Day, how does the proposed law now affect local regulations? Would you briefly explain that?"

Senator Day: "It does not disturb local regulation. We now have both state and local regulation."

Senator Lewis (R. H. "Bob"): "But the local governments will still be able to establish their regulations?"

Senator Day: "That is correct."

The motion by Senator Day carried. The report of the Conference Committee was adopted and the committee was granted the powers of Free Conference.

MOTION

At 11:05 a.m., on motion of Senator Mardesich, the Senate was declared to be at ease.

The President called the Senate to order at 12:10 p.m.

MOTION

On motion of Senator Mardesich, the Senate resumed consideration of House Bill No. 695.

SECOND READING

HOUSE BILL NO. 695, by Representatives Smith (Rick), Eikenberry, Charette, Newhouse and Hayner:

Clarifying filing and service requirements for enforcing liens.

The Senate resumed consideration of House Bill No. 695. On June 6, 1975, the committee amendments were adopted. Senator Guess moved adoption of an amendment to page 1, beginning on line 25 at that time.

There being no objection, the amendment by Senator Guess was withdrawn.

On motion of Senator Francis, the rules were suspended, House Bill No. 695, 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 Francis yield? Senator Francis, under the federal law, action has to commence within ninety days after the last delivery of materials or completion of the job. Now if you go this eight months, aren't we going to introduce a confusing situation between federal and state law?"

Senator Francis: "Senator Guess, I was not aware of the ninety day federal requirement but we are not changing it to eight months here. This has been the law for many years in this state and all we are doing is amending an existing section of the law to require that the suit itself be commenced by not only service but by filing within that eight months, so that we are actually advancing the time that they have to file, but I think that your question also points up an additional reason, and of course there are many, many more, why we need to study this whole area and why I think we need a complete revision of the lien law area."

Senator Guess: "Thank you very much, Senator."

POINT OF INQUIRY

Senator Woody: "Would Senator Francis yield? Senator Francis, since this is a filing requirement, is the amendatory language procedural in nature and therefore, does it have a retroactive effect?"

Senator Francis: "Senator Woody, I know that the simple thing would be to say yes and I would say that that probably will have to be worked out by the courts. It is clear that it is procedural to a certain extent but I could see how the legislative history could work possibly an injustice in certain situations where they have already filed before this act takes effect, they have already served but have not filed, and I do not think we want to cut off someone's rights in that respect so there is a middle area that I would not want to get into, but I would say for the most part and as a general statement that this is procedural and to that extent would have a retroactive effect."

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 695, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas 47; absent or not voting, 2.

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

Absent or not voting: Senators Herr, Keefe—2.

HOUSE BILL NO. 695, 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 12:17 p.m., on motion of Senator Mardesich, the Senate recessed until 2:00 p.m.

AFTERNOON SESSION

The President called the Senate to order at 2:00 p.m.

Senators Mardesich, Van Hollebeke and Donohue demanded a Call of the Senate. A Call of the Senate was ordered.

CALL OF THE SENATE

The Sergeant at Arms locked the doors of the Senate Chamber. The Secretary called the roll on the Call of the Senate, all members being present.

MOTION

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

SPECIAL ORDER OF BUSINESS

The time having arrived, the Senate resumed consideration of the House Message on Substitute House Bill No. 378. The House concurred in the Senate amendments to Substitute House Bill No. 378 except the amendments on page 2, new sections 2 and 3; and to line 2 of the title and asked the Senate to recede therefrom.

Earlier today, Senator Rasmussen moved that the Senate recede from its amendment to Substitute House Bill No. 378 on page 2, adding a new section 2, and adhere to its position on the amendment on page 2, adding new section 3 and to the amendment to line 2 of the title, and insist that the House concur therewith.

The motion by Senator Rasmussen carried.

MESSAGE FROM THE HOUSE

June 6, 1975.

Mr. President: The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 32.

HOUSE BILL NO. 154.

HOUSE BILL NO. 173.

SUBSTITUTE HOUSE BILL NO. 1078, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 32.

HOUSE BILL NO. 154.

HOUSE BILL NO. 173.

SUBSTITUTE HOUSE BILL NO. 1078.

MOTION

On motion of Senator Mardèsich, the Senate commenced consideration of Substitute House Bill No. 37.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 37, by House Committee on Constitution and Elections (originally sponsored by Representatives King, Fortson and Parker) (by Committee on Constitution and Elections of the Forty-third Legislature):

Setting forth dates special elections may be called.

REPORT OF STANDING COMMITTEE

February 5, 1975.

SUBSTITUTE HOUSE BILL NO. 37, setting forth dates special elections may be called (reported by Committee on Constitution and Elections):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 15, after "The" strike "second Tuesday" and insert "first Tuesday after the first Monday".

On page 2, line 21, after "resulting from" and before "fire," insert "failure of a school district to pass a special levy for the first time or from".

On page 4, line 4, after "thereto," add a new subsection (3) to read as follows:

"(3) Consolidation proposals as provided for in RCW 28A.57.180 and nonhigh capital fund aid proposals as provided for in 28A.56 RCW."

On page 4, line 15, after "The" strike "second Tuesday" and insert "first Tuesday after the first Monday".

On page 4, line 22, after "resulting from" and before "fire," insert "failure of a school district to pass a special levy for the first time or from".

On page 4, line 34, after "Sec. 4." strike all material down to and including the period on page 5, line 3, and insert "Nothing in this 1975 amendatory act shall affect any special election which has been called prior to the effective date of this act."

Signed by: Senators Beck, Chairman; Grant, Lewis (R. H. "Bob"), Stortini, Washington.

The bill was read the second time by sections.

On motion of Senator Beck, the committee amendment to page 2, line 15 was adopted.

Senator Beck moved adoption of the committee amendment to page 2, line 21.

Senator Bottiger moved adoption of the following amendment to the committee amendment:

On line 2 of the amendment to page 2, line 21, after "school" insert "or junior taxing district".

POINT OF INQUIRY

Senator Gould: "Mr. President, I would ask Senator Bottiger to yield because I am not quite sure of what the amendment does to or for schools. Could you explain what it does, both in terms of the first levy election and the second levy election?"

Senator Bottiger: "... junior taxing district loses their first election, then they have a wild card election date for their second try. Now we have several areas in this state where fire districts, Spokane Valley, Lakewood, areas that rely on special levies to operate their fire districts and they quite often have to go twice to get them."

Senator Gould: "One further question. The first election would still have to be on one of the required dates, is that correct?"

Senator Bottiger: "Yes."

POINT OF INQUIRY

Senator Lewis (Harry): "Will Senator Bottiger yield? Senator Bottiger, I wonder if you would clarify for me what possible effect your amendment could have on the percentage of voters required to pass a levy in the second election under your amendment? Could it result in fewer voters being able to pass the levy?"

Senator Bottiger: "Senator Lewis, unless you are seeing something that I do not see, the voter requirement is in the Constitution and I do not think we could change it in the bill in any event. We go back to the last general election to get the minimum percentage and we would not change this in any respect that I know of."

Senator Beck: "Mr. President, may I comment on that? Yes, Senator Lewis, this in no way circumvents the requirements for a special election. At any special election when you are voting for special millages or bond issue, you must have at least a figure equal to forty percent of the voters who voted in the last election and sixty percent of the people must vote in the affirmative for it. You have got to have that. This in no way affects that. All this amendment does, it says that the school district or any junior district has to have their first election on one of these five dates and if they lost their election then they can select their own date for the second election. It has nothing to do with the number of voters required."

Senator Lewis (Harry): "Senator Beck, if you had a small turnout in the first election, then your second election, well, it would be forty percent of that. I am not too clear. Maybe Senator Bottiger or one of you can straighten me out."

Senator Beck: "The current law reads 'forty percent of the last general election.' It does not say anything about any special, the current constitutional requirement is forty percent of the last general election."

The motion by Senator Bottiger carried and the amendment to the committee amendment was adopted.

The motion by Senator Beck carried and the committee amendment, as amended, was adopted.

On motion of Senator Beck, the committee amendments to page 4, lines 4 and 15 were adopted.

Senator Beck moved adoption of the committee amendment to page 4, line 22.

On motion of Senator Bottiger, the following amendment to the committee amendment was adopted:

On line 2 of the amendment to page 4, line 22, after "school" insert "*or junior taxing district*".

The motion by Senator Beck carried and the committee amendment, as amended, was adopted.

On motion of Senator Beck, the committee amendment to page 4, line 34 was adopted.

Senator Wilson moved adoption of the following amendment:

On page 2, after line 14 insert "(b)" "The second Tuesday in March;" and reletter the remaining subsections accordingly.

Debate ensued.

MOTION

On motion of Senator Lewis (Harry), Substitute House Bill No. 37, as amended, was ordered held for further consideration.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Engrossed Substitute House Bill No. 435.

Senator Knoblauch objected but withdrew his objection to consideration at this time.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 435, by Committee on Transportation and Utilities (originally sponsored by Representatives McCormick, Martinis, Newhouse, Zimmerman and Gallagher):

Revising law relating to rate setting and financing of public service companies.

The bill was read the second time by sections.

Senator Washington moved adoption of the following amendment:

On page 6, section 8, line 6, strike all section 8.

Debate ensued.

Senator Washington demanded a roll call and the demand was sustained by Senators Herr, Ridder, Francis, Rasmussen, McDermott, Grant, Woody, von Reichbauer and Van Hollebeke.

The President declared the question before the Senate to be the roll call on the amendment by Senator Washington to Engrossed Substitute House Bill No. 435.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 23; nays, 26.

Voting yea: Senators Bailey, Beck, Bottiger, Donohue, Francis, Goltz, Grant, Jolly, Knoblauch, Marsh, McDermott, Odegaard, Rasmussen, Ridder, Sandison, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Woody—23.

Voting nay: Senators Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Fleming, Gould, Guess, Henry, Herr, Jones, Keefe, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Matson, Morrison, Murray, Newschwander, North, Peterson, Pullen, Scott, Sellar, Wanamaker—26.

MOTION

Senator Morrison moved that Engrossed Substitute House Bill No. 435 be advanced to third reading under Rule 59.

Senator Knoblauch objected.

REMARKS BY THE PRESIDENT

The President: "The mover of a motion may explain his motion if he so desires and then a rebuttal to the remarks may be made."

REMARKS BY SENATOR MORRISON

Senator Morrison: "Mr. President and members of the Senate, I call your attention to Rule 59 which does provide that after the forty-ninth day of every regular session this rule may be suspended by a majority vote, that is the rule by which we, of course, are required to read bills on two separate days between second and third reading, and then I would also call your attention to Rule 72 which provides that the permanent Senate rules adopted at the regular session shall govern any special session called during the same legislative biennium."

POINT OF ORDER

Senator Knoblauch: "Mr. President, I want to call your attention to Rule 59, it

speaks of a regular session and this is a special session and it would appear to me that it would take a two-thirds vote to advance the bill."

REMARKS BY SENATOR MARDESICH

Senator Mardesich: "Strictly for the record so that in the future we may know where we are, Senator Bailey raised this question about two week ago, Mr. President."

REPLY BY THE PRESIDENT

The President: "The President is very much aware of that, Senator Mardesich."

REMARKS BY SENATOR HENRY

Senator Henry: "I should also like to recall to Senator Mardesich that at that time I thought I had overlooked Rule 72 and I still maintain that the permanent Senate rules adopted at the regular session shall govern any special session called during the same legislative biennium. You cannot make it any plainer than that. Two wrongs do not make a right."

REMARKS BY SENATOR WASHINGTON

Senator Washington: "I think he is right that the rules do govern in the special session and the rules say, when you move them over to the special session, it just says that a majority vote is all that is necessary after the fortieth day of the regular session, and you cannot change the wording of the rule. The times are the same, the instances are the same, but this was designed to take care of the crunch at the end of a regular session."

POINT OF ORDER

Senator Lewis (Harry): "Mr. President, I would raise the point of order that in effect the President has already ruled on this question and would just have to, by reference, advise the Senate of that ruling which was made at the time Senator Bailey and I raised the question about two weeks ago and this is the precise situation. The President did rule on that specific point of order and I think that point of order certainly carries forward to today's issue, so I think that the President could just by reference to his previous ruling clarify the position for the members of the Senate."

PARLIAMENTARY INQUIRY

Senator Henry: "Before you make that decision, how did you rule two weeks ago?"

The President declared the Senate to be at ease.

The President called the Senate to order.

RULING BY THE PRESIDENT

The President: "In ruling on the point of order as raised by Senator Knoblauch, the President believes that Rule 59 requires a two-thirds vote to suspend the rules requiring the bill to be read on three separate days. The only exception to this as set forth in the rule is that, during the time following the forty-ninth day of a regular session, only a majority vote is needed. This is not a regular session, and the exception therefore does not apply. Rule 72 does not abrogate this decision but reaffirms the necessity for following the provisions of Rule 59 requiring the bill to be read on three separate days. The point of order is well taken.

"Reference was made to an earlier decision relating to Senate Concurrent Resolution No. 116 which occurred May 28, 1975, when Senator Bailey presented essentially the same point. The President ruled at that time, Senator Bailey, the President recalls vividly one other occasion when this question came up and it was decided inasmuch as Rule 59 says that every bill shall be read on three separate days unless the Senate deems it expedient to suspend this rule, provided however that after the forty-ninth day of every regular session this rule may be suspended by a majority vote, but inasmuch as this is not the regular session the two-thirds vote will be required. Then in further substantiation, at the request of our mutually good friend the Honorable Sid Snyder, the President will read the remarks made by Senator Lewis pertaining to the ruling: 'Mr. President, I agree that you made the right ruling and I would like to compliment you on

it. I just have great difficulty telling the difference between regular sessions and special sessions,' and, Senator Lewis, if it is any comfort I believe that there are forty-nine Senators and at least one broken down ex-football coach that also have a failing memory."

MOTION

Senator Mardesich: "Mr. President, I move that the rule with respect to debate on the question of suspension be suspended so that we may hear from people as to the desirability of suspension or not."

Senator Goltz moved adoption of the following amendment:

On page 3, line 17, after "properties" insert "*unless the commission finds that the inclusion thereof is not in the public interest*".

Debate ensued.

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

Senator Goltz moved adoption of the following amendment:

On page 6, following line 1, add a new subsection to read as follows:

"(3) It is the intent of the legislature that nothing in this section shall be construed to allow a company to claim as a cost of service an amount for income tax which was not actually due and paid."

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Murray yield to a question? Senator Murray, in your statement in opposition to this amendment you indicated the whole question was at the time the consumer was going to pay for the facility. Could you explain that a little bit? You kind of lost me in that passage there."

Senator Murray: "If you are talking about any public utility, the consumer has to ultimately pay for the capital investment required or we are not going to have any."

Senator Rasmussen: "That was not the question. The question was, at what time? You indicated that the question was the time when the consumer was going to pay for this facility."

Senator Murray: "That is correct."

Senator Rasmussen: "My understanding that this bill requires the consumer to pay for those facilities before they are constructed."

Senator Murray: "No, not before they are constructed. What this bill will do will put them into the rate structure as they are being constructed. I think there are good arguments for saying that once they are contemplated, once they are started, the entire capital amount involved should be calculated in making a rate structure. As long as we know we are going to do it, we ought to start paying for them the day we make that decision. I think there is good argument for doing it on that basis. This bill does not do that."

Senator Rasmussen: "That is what I thought you said. Mr. President, I think we ought to adopt this amendment of Senator Goltz. I recall that they are going to spend several billion on construction of nuclear projects. They have already filed notice that they are going to do that. I also saw in the paper recently, you may not have noticed that, Senator Murray, because you have been absent for several weeks, that they have now decided to withhold the request for the bond issues because they may not be able to build them for ten years but they have already served notice they are going to start building. Under your proposal, as I understand it, and it did not come through very clear but the fact that they are going to start this construction sometime that we are going to start paying rates on the basis of this billions of dollars that is going to be invested the day after tomorrow or very shortly thereafter, and I would like to be in that business so I can charge that person before I get the facility that I am going to sell him the materials from a long time beforehand. I think we should adopt the Goltz amendment."

Senator Guess: "Mr. President, I would like to answer Senator Rasmussen on this point. Senator Rasmussen, the amendment says that the income tax credit which the federal government allows, and that has varied somewhat over the past few years, this would require that they immediately pass the money through and pass that credit back to the ratepayer immediately."

"Now what the bill does, it says that the company can retain that income tax credit and thereby reduce the amount of bonds that are necessary over the next few years. That is what it said. It does not say anything else, and irrespective of how the language can be turned around, it is for the benefit of the total ratepayer over the long term as to whether or not they can borrow money at a lower rate today than they can later on, and if you can borrow money at a cheaper rate today, it is going to affect the total rate structure down through the payout life of the plant and so it is much to the advantage of the ratepayer that they be able to use this in the construction of the plant. It is not that the ratepayer has got to come up with additional funds but when the federal government gives the company a tax rebate or a tax credit, then they can let that money go into the rate structure."

Senator Henry: "Answering the second part of Senator Rasmussen's question about going to build a plant sometime in the future, the bill very clearly states that you can only put into your rate base that portion of the plant that is already constructed. Now the problem utilities have at the present time that you start to build something, it takes you four years to build it, they put you on the tax rolls but they do not allow you to earn on it until you are actually serving the customer. Now this bill very clearly states that only that portion that has been constructed is to be used as part of the rate base."

Senator Rasmussen: "Mr. President, in answer to Senator Guess and Senator Henry, I understand fully what the Goltz amendment is attempting to do, and the federal government, when they provided that tax write off and tax credit, it was for the purpose of expediting and having them put this new construction in. Then if you allow this to go back, the amount of money that they are saving, and allow them to keep it and in addition to that, as the bill provides, allow them to set the rate increase, in fact insist that the Public Service Commission set the rate increase on what they would have to pay if they had all of their costs in and were amortizing it, then you are giving them a double dip. That is the only way you can look at it."

The motion by Senator Goltz failed and the amendment was not adopted on a rising vote.

MOTION

Senator Henry moved that the rules be suspended and Engrossed Substitute House Bill No. 435 be advanced to third reading and placed on final passage.

Senator Knoblauch demanded a roll call and the demand was sustained by Senators Woody, Jolly, Grant, Day, Rasmussen, Von Hollebeke, Goltz, Stortini and von Reichbauer.

REMARKS BY SENATOR MARDESICH

Senator Mardesich: "Mr. President, I earlier made the motion with respect to discussion on suspension."

"Mr. President, ladies and gentlemen of the Senate, I understand the reasons for the rule. We enforced it very rarely in the Senate. The fact is that we will be here at least one day and possibly two as we wind up the business of this legislature unless, of course, we have the tentative agreement which we have with the House with respect to the budget collapse. It is inevitable that Rules will meet again. Senator Keefe has a hospital appointment. He is due to check in and this motion, if it carries, will require that he stay on this Senate floor another day. In view of the certainty, as I see it, of this bill coming to the floor in the future, tomorrow or the next day, whenever it may be, and in view of the Senator's condition alone, I would suggest that it would be somewhat imprudent of us to refuse to advance this measure at this time."

Debate ensued.

Senator Mardesich: "It is not my suggestion or my desire that Senator Keefe stay. It is his own opinion that he intends to stay. If this body would consent to Senator Keefe's release, then I will vote for this measure both in Rules and on the floor."

PARLIAMENTARY INQUIRY

Senator Morrison: "Could we inquire, Mr. President, of the record of the Secretary of the Senate on what date this passed finally from the House of Representatives?"

REPLY BY THE PRESIDENT

The President: "Yes, Senator Morrison, the thirtieth of April, Senator Morrison." Debate ensued.

The President declared the question before the Senate to be the roll call on the motion by Senator Henry that the rules be suspended and Engrossed Substitute House Bill No. 435 be advanced to third reading and final passage.

PERSONAL PRIVILEGE

Senator Murray: "Mr. President and members of the Senate, I would just like to point out that I believe the record will show that with or without my presence on the floor of the Senate, in most cases, the overwhelming majority of cases in the Senate, we bump bills."

ROLL CALL

The Secretary called the roll and the motion by Senator Henry carried by the following vote: Yeas, 33; nays, 16.

Voting yea: Senators Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Goltz, Gould, Guess, Henry, Herr, Jones, Keefe, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Scott, Sellar, Talley, Wanamaker, Wilson, Woody—33.

Voting nay: Senators Bailey, Beck, Bottiger, Francis, Grant, Jolly, Knoblauch, McDermott, Rasmussen, Ridder, Sandison, Stortini, Van Hollebeke, von Reichbauer, Walgren, Washington—16.

Senators Talley, Henry and Day demanded the previous question.

Senator Knoblauch demanded a roll call and the demand was sustained by Senators Bottiger, Grant, Fleming, Washington, Van Hollebeke, Wilson, Goltz, Ridder and Stortini.

PARLIAMENTARY INQUIRY

Senator Knoblauch: "Is it debatable?"

REPLY BY THE PRESIDENT

The President: "No, it is not debatable, Senator."

ROLL CALL

The Secretary called the roll and the demand for the previous question was not sustained by the following vote: Yeas, 7; nays, 42.

Voting yea: Senators Cunningham, Guess, Henry, Lewis (R. H. "Bob"), Matson, Newschwander, Peterson—7.

Voting nay: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Mardesich, Marsh, McDermott, Morrison, Murray, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—42.

Debate ensued.

Senator Lewis (Harry): "Mr. President, I would suggest that we extend to Senator Knoblauch, who is very serious about this, what time he needs beyond the three minute rule."

REMARKS BY THE PRESIDENT

The President: "If there are no objections, Senator Knoblauch will be permitted to speak but please confine your remarks, Senator, to the question, which is the final passage of Engrossed Substitute House Bill No. 435."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 435.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 435 and the bill passed the Senate by the following vote: Yeas, 25; nays, 24.

Voting yea: Senators Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Fleming, Gould, Guess, Henry, Herr, Jones, Keefe, Lewis (Harry), Lewis (R. H. "Bob"), Matson, Morrison, Murray, Newschwander, North, Peterson, Pullen, Scott, Sellar, Wanamaker—25.

Voting nay: Senators Bailey, Beck, Bottiger, Donohue, Francis, Goltz, Grant, Jolly, Knoblauch, Mardesich, Marsh, McDermott, Odegaard, Rasmussen, Ridder, Sandison, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Woody—24.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 435, having received the 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, Engrossed Substitute House Bill No. 435 was ordered immediately transmitted to the House.

On motion of Senator Mardesich, all bills passed today were ordered immediately transmitted to the House.

On motion of Senator Mardesich, the Senate dispensed with the Call of the Senate.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of House Bill No. 174.

SECOND READING

HOUSE BILL NO. 174, by Representatives Nelson, Hansen and Lee (by Department of Highways request):

Precluding the use of highway centerline as corporate boundaries.

The bill was read the second time by sections.

On motion of Senator Fleming, the rules were suspended, House Bill No. 174 was advanced to third reading, the second 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. 174, and the bill passed the Senate by the following vote: Yeas, 47; absent or not voting, 2.

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

Absent or not voting: Senators Benitz, Keefe—2.

HOUSE BILL NO. 174, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Engrossed House Bill No. 561.

SECOND READING

ENGROSSED HOUSE BILL NO. 561, by Representatives Bagnariol, Polk and McCormick:

Permitting wine and beer in specified amounts to be brought into the state from foreign countries without duty.

The bill was read the second time by sections.

Senator Goltz moved adoption of the following amendment by Senators Sandison and Goltz:

On page 1, line 18, after "section." insert "*The board may issue a class H license to a charitable or non-profit corporation of the state of Washington, the majority of the officers and directors of which are United States citizens and the minority of the officers and directors of which are citizens of the Dominion of Canada, and where the location of the premises for such class H license is not more than ten miles south of the border between the United States and the province of British Columbia.*"

Debate ensued.

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

On motion of Senator Van Hollebeke, the rules were suspended, Engrossed House Bill No. 561, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 561, 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 Beck, Benitz, Bluechel, Bottiger, Buffington, Cunningham, Day, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, McDermott, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—40.

Absent or not voting: Senators Bailey, Clarke, Donohue, Jones, Keefe, Mardesch, Matson, Newschwander, Woody—9.

ENGROSSED HOUSE BILL NO. 561, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 483, by Committee on State Government (originally sponsored by Representatives Shinpoch, Polk, Bagnariol and Dunlap):

Implementing further consolidation of state automated data processing facilities.

REPORT OF STANDING COMMITTEE

May 30, 1975.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 483, implementing further consolidation of state automated data processing facilities (reported by Committee on State Government):

Recommendation: Do pass with the following amendments:

On page 5, line 1, before "by" strike "three" and insert "four".

On page 7, following line 21, add the following paragraph:

"For the purpose of providing an operational comparison in terms of efficiency and level of service to be provided to state agencies by the consolidated automated data processing operations authorized by this 1975 amendatory act, the department of highways or its statutory successor shall retain an independent data processing facility to provide all of its own automated data processing services and, within its resources, to provide as requested such services to other agencies. In operating an independent data processing facility, the department of highways or its statutory successor shall adhere to the operational procedures and policies as established by the authority, including acquisition of equipment, provided that the department of highways or its statutory successor

shall have the authority to deviate from said policies and procedures if the highway commission or its statutory successor determines that adherence thereto is detrimental to the overall efficiency of the independent facility. A written justification attesting to the requirements for any such deviations and/or modifications shall be filed with the authority and the senate and house committees on state government."

Signed by: Senators Rasmussen, Chairman; Buffington, Cunningham, Day, Henry, Knoblauch, Wanamaker.

The bill was read the second time by sections.

Senator Rasmussen moved adoption of the committee amendment to page 5, line

1.

Debate ensued.

POINT OF INQUIRY

Senator Lewis (Harry): "I wonder if Senator Rasmussen would make that a little more clear. I do not quite understand what he is talking about, four rather than three. Does this have to do with the highway computer, Senator Rasmussen?"

Senator Rasmussen: "Just give me a moment, Senator Lewis, and I am going to check with the desk. Mr. President, Senator Lewis has asked the question if this had to do with the Highway Department computer and the answer is yes."

POINT OF INQUIRY

Senator Scott: "Senator Rasmussen, I would like to hear your rationale for the amendment. The idea behind the Data Processing Authority was to bring control of the purchase of computer equipment, the purchase of time, and overall coordination in one supervisory body and, secondly, to have that group, the Data Processing Authority, do the work where possible; and what you are doing by this amendment is exempting the largest single computer complex in state government. Now the two ideas do not seem compatible to me."

Senator Rasmussen: "Senator Scott and Senator Lewis, you are quite right in your statement that it is one of the largest computers and it has tremendous capacity and that it is working very efficiently, and it was the decision of the committee, the State Government Committee, after studying all of the aspects of it, that it would provide—we have a further amendment, I do not know if you have had an opportunity to read it and for clarification I will read the following amendment: 'That for the purpose of providing an operational comparison in terms of efficiency and level of service to be provided to state agencies by the consolidated automated data processing operation authorized by this 1975 amendatory act, the Department of Highways or its statutory successor shall retain an independent data processing facility to provide all of its own automated data processing services and, within its resources, to provide as requested such services to the other agencies. In operating an independent data processing facility the Department of Highways or its statutory successor shall adhere to the operational procedures and policies as established by the Data Processing Authority, including acquisition of equipment, provided that the Department of Highways or its statutory successor shall have the authority to deviate from said policies and procedures if the Highway Commission determines that adherence thereto is detrimental to the overall efficiency of the independent facility. A written justification attesting to the requirements for any such deviation and/or modification shall be filed with the Authority and the Senate and the House Committees on State Government.'

"Now, Senator Scott, we have had such unfortunate experience with large massive structures such as the Department of Social and Health, and we will agree that the Data Processing Authority has coordinated and brought improvements into the system. We find that they have not reduced the cost of the operation of the system as yet. Where it was twenty-five million dollars a year it is now thirty million dollars a year for the operation of data processing. With the amendment as approved by the committee after several hearings, this will give us a sort of balanced operational objective approach where we can say, 'Yes, after this period of consolidation the Highway Department's computer commission is operating efficiently. They are at the present time leasing time to cities

and counties' and if they can prove that their approach is much better than the approach that we have, the Data Processing Authority can make some changes in that portion that is to be directly under their control.

"The second reason being that without this amendment the bill was dead. We thought that the bill had merit and that it should be passed out with this compromise amendment and then we would have a chance to evaluate during the year. Now the Ways and Means Committee and the Data Processing Authority, State Government Committee will be fully advised. If they are not operating efficiently, then we will make those changes. The Highway Data Commission did testify that with their programs that they had to have first call on the services of their computer in order to operate efficiently. The committee believed their arguments."

Further debate ensued.

POINT OF INQUIRY

Senator Goltz: "Would Senator Odegaard yield to a question? Senator Odegaard, the legislature has at least some computer equipment and I wonder, are we a part, is the legislature a part of the state Data Processing Authority?"

Senator Odegaard: "Yes, we are, Senator Goltz."

Senator Goltz: "I understood that the legislature used equipment outside of the state. Hardware."

Senator Odegaard: "In the hardware, I am not aware of using hardware out of state. There might be. I am not aware of it. Except in the LEAP program if you want to consider that, in the Legislative Evaluation and Accountability Program, any information that we put into the computer we call up to Renton and then it is called back to Virginia and we do use their equipment back there for any of the data that goes into our budget making process. Other than that I do not know of any other states involved or equipment."

Senator Goltz: "Thank you, Senator Odegaard."

Further debate ensued.

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

On motion of Senator Rasmussen, the committee amendment to page 7, line 21 was adopted.

MOTIONS

On motion of Senator Lewis (R. H. "Bob"), Senators Matson, Newschwander and Scott were excused for the purpose of a Conference Committee meeting.

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

On page 5, line 1, after "1977" and before the semicolon insert ": *PROVIDED, That if a separate facility is required by federal statute or regulation for the maintenance of criminal records, the number of Olympia area installations shall be increased by one*".

On motion of Senator Rasmussen, the rules were suspended, Engrossed Substitute House Bill No. 483, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 483, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 38; nays, 7; absent or not voting, 2; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gould, Grant, Guess, Henry, Herr, Jolly, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Stortini, Talley, Van Hollebeke, Walgren, Wanamaker, Washington—38.

Voting nay: Senators Goltz, Jones, Mardesich, McDermott, von Reichbauer, Wilson, Woody—7.

Absent or not voting: Senators Bottiger, Keefe—2.

Excused: Senators Matson, Scott—2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 483, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 37, by House Committee on Constitution and Elections (originally sponsored by Representatives King, Fortson and Parker) (by Committee on Constitution and Elections of the Forty-third Legislature):

Setting forth dates special elections may be called.

The Senate resumed consideration of Substitute House Bill No. 37. Earlier today the committee amendments were adopted and Senator Wilson moved adoption of the following amendment:

On page 2, after line 14 insert "(b)" "The second Tuesday in March;" and reletter the remaining subsections accordingly.

Debate ensued.

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

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

On page 4, after line 14, insert "(2) The second Tuesday in March;" and renumber accordingly.

MOTION

Senator Lewis (Harry) moved that Substitute House Bill No. 37, as amended by the Senate, be referred to the Committee on Constitution and Elections.

Debate ensued.

The motion by Senator Lewis (Harry) carried on a rising vote.

MOTION

On motion of Senator Mardesich, the Senate returned to the fourth order of business.

MESSAGES FROM THE HOUSE

June 7, 1975.

Mr. President: The Speaker has signed HOUSE BILL NO. 798, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

June 7, 1975.

Mr. President: The House has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE JOINT RESOLUTION NO. 127, and has granted said committee the powers of Free Conference.

DEAN R. FOSTER, Chief Clerk.

June 7, 1975.

Mr. President: The House has passed:

ENGROSSED SENATE BILL NO. 2108,

SUBSTITUTE SENATE BILL NO. 2211,

ENGROSSED SENATE BILL NO. 2334,

SENATE BILL NO. 2609,

ENGROSSED SENATE BILL NO. 2735, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Talley, Senators Beck and Woody were excused.

SIGNED BY THE PRESIDENT

The President signed:
HOUSE BILL NO. 798.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of the House Message on Engrossed Senate Bill No. 2210.

MESSAGE FROM THE HOUSE

June 5, 1975.

Mr. President: The House insists on its position regarding ENGROSSED SENATE BILL NO. 2210 and again asks the Senate to concur therein, and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

MOTION

On motion of Senator Stortini, the Senate refused to concur in the House amendments to Engrossed Senate Bill No. 2210 and again asks the House for a conference thereon.

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

MOTION

On motion of Senator Mardesich, the Senate resumed consideration of the Free Conference report on Engrossed Senate Bill No. 2623. On Friday, June 6, 1975, Senator Day moved that the Free Conference report be adopted. At that time, a point of order was raised by Senator Pullen.

RULING BY THE PRESIDENT

The President: "In reply to the point presented by Senator Pullen, the President wishes to remark that the history of this issue pertaining to Senate Bill 2623 is that Senator Pullen raised the question of scope and object at an appropriate time and the President ruled that the point of order was well taken. Just as the President was about to assign the bill to an appropriate committee as required by Senate Rule 60, a motion was made by Senator Marsh to return the bill to the House and request that the House recede from its position on the amendment. Hearing no objection to this motion, the President believed it was his obligation to put the motion. The motion carried. When the bill returned from the House, the Senate voted to put the measure in conference and later the powers of free conference were granted. Free conference powers not only contemplate changes but are necessary to make major changes. Now the question is the adoption or the rejection of the free conference committee report, not the question of the adoption of the House amendment which has now lost its identity and become part of the free conference committee report. The President would like to point out that the scope and object limitation of the joint rules as set forth in Rule 9 is much broader than the Senate rule on scope and object in that the language only restricts the conference committee to matters within the scope and object of the title, rather than the scope and object of the bill itself. It is apparent that the free conference rules actually contemplate that the scope and object of the bill may be changed and that is why the body is given

advance notice of the contemplated changes before the powers of free conference are granted. The President believes that it is important to adhere not only to the letter of the rules but also to the spirit and intent of the rules, and in this case the President finds that it was within the powers of the free conference committee to consider the matters contained in its report and the Senate should either accept or reject the report as contemplated by the joint rules."

PARLIAMENTARY INQUIRY

Senator Cunningham: "Mr. President, under Rule 45 I would wonder if this Conference report has complied with that rule, that Senate rule."

The President: "Would you direct the President to that portion of Rule 45 to which you are referring, Senator Cunningham?"

REMARKS BY SENATOR CUNNINGHAM

Senator Cunningham: "Certainly, Mr. President. It states that bills reported by a committee, that the committees shall fully consider the measure and I would wonder, in that I think many parties of the committee agree that there are defects in the measure, if it has been so fully considered."

Debate ensued.

POINT OF INQUIRY

Senator Day: "Would Senator Marsh yield? Did you not inquire of the Attorney General relative to that particular section 6, subsection (1) whether it would actually protect an abuser from criminal or civil liability if he reported or testified concerning the child abuse? Would it actually exempt him from prosecution himself if he were the one that had committed the act?"

Senator Marsh: "Yes, I did and with the consent of the body I would like to read a very short letter that I have from Richard A. Mattsen, Senior Assistant Attorney General, Department of Social and Health Services addressed to myself, dated June 6, 1975, concerning this section. His letter to me reads:

'Dear Senator Marsh: You have inquired as to whether the present language contained in section 6, subsection (1) would protect an abuser from criminal or civil liability if he reported or testified concerning the child abuse. Please be advised that in my view such a report or a testimony could not protect the abuser since his liability would arise not from the report or testimony but from the act of abuse. I trust this is responsive to your inquiry. Very truly yours, Richard A. Mattsen, Senior Assistant Attorney General, Department of Social and Health Services, carbon copy to Senator Lois North.'

"I might add that I furnished copies of this at least two days ago to Senator Cunningham and I am sure that Senator Pullen has also seen this particular letter and I would be happy to take it back to him at this time."

POINT OF INQUIRY

Senator Pullen: "Would Senator Marsh yield to a question? I want to thank you, Senator Marsh, for showing me the letter now. The question I have is, is that letter a formal Attorney General's opinion?"

Senator Marsh: "No, it is not. It is an informal Attorney General opinion."

Senator Pullen: "Thank you."

REPLY BY THE PRESIDENT

The President: "In reply to the point presented by Senator Cunningham, the President is quite confident that the measure, Engrossed Senate Bill No. 2623 has been fully considered by the several special and standing committees to which the bill has either been referred or assigned."

POINT OF INQUIRY

Senator Cunningham: "Would Senator Francis yield to a question or two? Senator Francis, could you tell me what your interpretation of the definition of social worker as it is referred to in this bill could include?"

Senator Francis: "Yes, Senator Cunningham, as I read this I think it could be expanded and I think that it probably would be a good idea to come back here and tighten it down next time. The most that we do towards narrowing the definition is to refer to someone engaged in a professional capacity and it could perhaps be argued to a court that 'professional' is in its traditional meaning of a person with a postgraduate degree and so on and so forth, but otherwise I do not see anything in this definition that ties it to any other definition in the statute anywhere or any other part of the statute so that I would imagine that a person could set himself up as an expert in counseling or providing social services to adults or children and that that could mean just about anyone who held himself out as a social worker."

Further debate ensued.

MOTION

On motion of Senator Knoblauch, Senators Stortini and Washington were excused.

The motion by Senator Day carried and the report of the Free Conference Committee on Engrossed Senate Bill No. 2623 was adopted.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2623, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 40; nays, 2; absent or not voting, 2; excused, 5.

Voting yea: Senators Bailey, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Goltz, Gould, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegard, Peterson, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Wilson—40.

Voting nay: Senators Cunningham, Pullen—2.

Absent or not voting: Senators Grant, Keefe—2.

Excused: Senators Beck, Scott, Stortini, Washington, Woody—5.

ENGROSSED SENATE BILL NO. 2623, 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 Mardesich, the Senate commenced consideration of the Conference Committee report on Engrossed House Bill No. 278.

REPORT OF CONFERENCE COMMITTEE

June 7, 1975.

Mr. Speaker:

Mr. President:

We, of your Conference Committee, to whom was referred ENGROSSED HOUSE BILL NO. 278, providing for nursing home accounting systems, have had the same under consideration, and we recommend that the Senate recede from its amendment.

Signed by: Senators Day, Cunningham and Francis; Representatives Shinpoch, Conner and Matthews.

MOTION

On motion of Senator Mardesich, the report of the Conference Committee on Engrossed House Bill No. 278 was adopted.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 278,

as amended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 40; absent or not voting, 4; excused, 5.

Voting yea: Senators Bailey, Benitz, Bluechel, Buffington, Clarke, Cunningham, Donohue, Fleming, Francis, Goltz, Gould, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wana-maker, Wilson—40.

Absent or not voting: Senators Bottiger, Day, Grant, Keefe—4.

Excused: Senators Beck, Scott, Stortini, Washington, Woody—5.

ENGROSSED HOUSE BILL NO. 278, 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.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of the Conference Committee report on Engrossed House Bill No. 612.

REPORT OF CONFERENCE COMMITTEE

June 7, 1975.

Mr. Speaker:

Mr. President:

We, of your Conference Committee, to whom was referred ENGROSSED HOUSE BILL NO. 612, revising laws relating to accountants, have had the same under consideration, and we recommend that the bill be amended to read as follows:

That the following Senate amendments be not adopted:

On page 4, line 27 of the engrossed bill;

On page 4, line 29 of the engrossed bill;

On page 5, line 2 of the engrossed bill;

and that the following Senate amendments shall be adopted:

On page 1, line 25, after "*chapter*" and before the period insert "*not to exceed seventy-five dollars*".

On page 2, line 21, after "*chapter*" insert "*not to exceed thirty dollars*".

On page 3, line 19, after "*chapter*" insert "*not to exceed thirty dollars*".

On page 3, line 33, after "*chapter*" insert "*not to exceed thirty dollars*".

On page 4, beginning on line 11 of the engrossed bill, strike all of the material down to and including "*chapter*." on line 24, being page 4, line 11 of the printed bill, after "*amended*." strike all of the material down to and including "*chapter*" on line 23 and the House Committee amendment on page 4, line 15 and insert "Such permits shall expire on the thirtieth day of June of each year. The annual fee for a permit to practice public accounting in this state shall be [twenty-five dollars.] *in an amount determined by the board in accordance with this chapter not to exceed fifty dollars.*"

Signed by: Senators Van Hollebeke, Jones and Peterson; Representatives Gallagher, Deccio and Chatalas.

MOTION

On motion of Senator Van Hollebeke, the report of the Conference Committee on Engrossed House Bill No. 612 was adopted.

President Pro Tempore Henry assumed the Chair.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 612, as amended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 41; nays, 1; absent or not voting, 2; excused, 5.

Voting yea: Senators Bailey, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cun-

ningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Wilson—41.

Voting nay: Senator Rasmussen—1.

Absent or not voting: Senators Keefe, Matson—2.

Excused: Senators Beck, Scott, Stortini, Washington, Woody—5.

ENGROSSED HOUSE BILL NO. 612, 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.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of the Conference Committee report on Substitute House Bill No. 693.

REPORT OF CONFERENCE COMMITTEE

June 7, 1975.

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 693, requiring advertising public contracts in a newspaper in the part of the county where the work is to be done, have had the same under consideration, and we cannot agree and request the power of Free Conference in order to make the following changes:

On page 1, line 24, after "done" insert "": *PROVIDED, HOWEVER, That if the county official newspaper is a newspaper of general circulation covering at least forty percent of the residences in that part of the county in which such work is to be done publication of an advertisement of the applicable specifications in the county official newspaper only shall be sufficient*".

Signed by: Senators Fleming, Marsh and Jones; Representatives North, Haussler and Leckenby.

MOTION

On motion of Senator Mardesich, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference.

MOTION

On motion of Senator Mardesich, The Senate commenced consideration of the Conference Committee report on Engrossed House Bill No. 49.

REPORT OF CONFERENCE COMMITTEE

June 7, 1975.

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED HOUSE BILL NO. 49, making changes in the law relating to civil commitment and suicide, have had the same under consideration, and we recommend that the following Senate amendments be not adopted:

On page 2, line 1 of the engrossed bill, being page 2, line 1 of the printed bill.

On page 1, line 10 of the title.

And that the following Senate amendment be adopted:

On page 13, line 5 of the engrossed bill, being page 13, line 11 of the printed bill.

Signed by: Senators North and Day; Representatives Becker, Smith (Rick) and Greengo.

MOTION

On motion of Senator North, the report of the Conference Committee on Engrossed House Bill No. 49 was adopted.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 49, as amended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 38; nays, 4; absent or not voting, 2; excused, 5.

Voting yea: Senators Bailey, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Goltz, Gould, Grant, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegard, Peterson, Rasmussen, Ridder, Sandison, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Wilson—38.

Voting nay: Senators Guess, Pullen, Sellar, Talley—4.

Absent or not voting: Senators Fleming, Keefe—2.

Excused: Senators Beck, Scott, Stortini, Washington, Woody—5.

ENGROSSED HOUSE BILL NO. 49, 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.

MOTION

On motion of Senator Mardesich, the Senate advanced to the fourth order of business.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of the House Message on Engrossed Substitute Senate Bill No. 2280.

MESSAGE FROM THE HOUSE

June 7, 1975.

Mr. President: The House has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 2280, and has granted said committee the power of Free Conference.

DEAN R. FOSTER, Chief Clerk.

REPORT OF CONFERENCE COMMITTEE

June 7, 1975.

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 2280, pertaining to financing municipal transportation systems, have had the same under consideration, and we report we are unable to agree and request the powers of free conference, in order to amend the House Committee amendment as follows:

On page 6, line 31 of the House Committee amendment after "shall be" insert "*one-tenth, two-tenths, or*".

On page 11, line 18 of the House Committee amendment after "every" strike "county except any class AA county shall" and insert "class A, class 1, class 2, or class 3 county shall, and the legislative authority of every other county may".

On page 11 of the House Committee amendment beginning with "Further" on line 41, strike all of the material down through "cities" on line 45 and insert "In addition, county-wide conferences may be convened by resolution of the legislative bodies of two or more cities within the county".

On page 12, line 4 of the House Committee amendment after "areas of" strike "the" and insert "a".

Signed by: Senators Walgren, Guess and Bottiger; Representatives Patterson, Smith (Ed) and Conner.

MOTION

Senator Walgren moved that the report of the Conference Committee be adopted and the committee granted the powers of Free Conference.

POINT OF INQUIRY

Senator Lewis (Harry): "Mr. President, I would like to hear from Senator Walgren as to what is in the report."

Senator Walgren: "Yes, as I indicated before when we were asking for the powers of conference, the amendment was the entire bill and the basic change and the most important change is the question as to what percentage of excise tax we could adopt; the House bill set it at three tenths of a percent and we are saying one or two or three."

Senator Bottiger: "There is another change. Some of the people from the rural counties objected to the word 'shall hold a conference' and the bill was redrafted so the smaller counties may hold a conference."

The motion by Senator Walgren carried and the committee was granted the powers of Free Conference.

MOTION

On motion of Senator Mardesich, the Senate resumed consideration of the Conference Committee report on Engrossed Senate Bill No. 2341. A Point of Order by Senator Lewis (Harry) was raised on June 6, 1975 and the report was held pending a Ruling by the President.

Debate ensued.

RULING BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "The President believes that the response to Senator Pullen's question also answers the questions with regard to Senate Bill 2341. Basically, the President believes that the rules of the Senate and joint rules contemplate that the question of scope and object of amendments to bills should be decided before the measure is sent to conference, except that the joint rules do permit a challenge to the conference report if a conference committee considers matters other than what was submitted to them and would permit a challenge to a free conference report if the report contains matters not within the scope and object of the title. If the opponents of a particular amendment to a bill placed on by the other house wish to defeat the amendment the proper procedure is to not concur in the amendment and request the other chamber to recede. Then, if the other chamber does not recede the procedure would be to adhere. There is no point in sending a bill to conference if the intent is not to work on the subject in dispute with the idea of adjusting the difference on that subject. In summary, the President's ruling is that the question of scope and object of a House amendment to a Senate bill must be raised prior to the bill being sent to conference. Once the Senate has voted to send the bill to conference the only matters over which the President would have jurisdiction would be as provided for in the joint rules."

On June 6, 1975, Senator Mardesich moved that the Conference Committee report be adopted.

The motion by Senator Mardesich carried. The report of the Conference Committee was adopted.

Debate ensued.

POINT OF INQUIRY

Senator Lewis (Harry): "Would Senator Ridder yield to a question? Senator Ridder, can you tell me at a railroad crossing when a flagman is out flagging traffic who is an employee of the railroad and a car is approaching down the highway at high speed through the crossing whether or not, in your best judgment, there is a question of employee safety for the people who are working for the railroad or not?"

Senator Ridder: "I am sure there would be but I do not believe that that would cover the area of trackage which might be ten miles down that track, Senator Lewis. You referred to the resolution that was on the desk. It was my intent to explain that it does not cover the area which this refers to."

Debate ensued.

POINT OF INQUIRY

Senator Wanamaker: "Will Senator Ridder yield to a question? Senator Ridder, did you look into the federal court decision on the federal railroad administration of May 4?"

Senator Ridder: "I have that in front of me."

Senator Wanamaker: "Have you looked into that?"

Senator Ridder: "Yes, I have it in front of me, Senator Wanamaker, and in consulting with counsel and others and quoting from page 4 of that decision we mentioned, 'I note that the only question before the court is whether the petitioner is entitled to an order of this court allowing him to inspect the respondent's work places in Morrow, Montana,' Very specifically to that particular work place. Montana has different jurisdictions as far as the coverage of railroad inspection is concerned and we do have, since you are additionally interested, I will note that the Washington Utilities and Transportation Commission, a letter dated November 8, 1973, 'The Commission has, in accordance with the referenced opinion and upon advice of counsel, transferred all records and correspondence dealing with railroad employee safety and health from June 1, 1973 forward to the State of Washington Department of Labor and Industries and they are the ones who have the records and the coverage and should be given the interagency agreement and responsibility.'"

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2341, as amended by the Conference Committee, and the bill failed to pass the Senate by the following vote: Yeas, 23; nays, 19; absent or not voting, 2; excused, 5.

Voting yea: Senators Buffington, Day, Donohue, Francis, Goltz, Grant, Henry, Herr, Jolly, Knoblauch, Mardesich, Marsh, McDermott, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Talley, Van Hollebeke, von Reichbauer, Walgren, Wilson—23.

Voting nay: Senators Bailey, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Gould, Guess, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Matson, Morrison, Murray, Newschwander, North, Pullen, Sellar, Wanamaker—19.

Absent or not voting: Senators Fleming, Keefe—2.

Excused: Senators Beck, Scott, Stortini, Washington, Woody—5.

ENGROSSED SENATE BILL NO. 2341, as amended by the Conference Committee, having failed to receive the constitutional majority, was declared lost.

POINT OF ORDER

Senator Lewis (R. H. "Bob"): "I would call your attention to Rule 3 of Senate rules. It reads, if I may read to you, that 'No senator shall be allowed to vote except when within the bar of the senate, or upon any question upon which he is in any way personally or directly interested,' the point is, 'nor change his vote after the results have been announced.'"

Senator Bailey: "The President has not announced the vote. It was only the Secretary that read the"

RULING BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "I keep telling you boys that until that gavel falls, anything is possible."

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Bailey moved that the Senate immedi-

ately reconsider the vote by which Engrossed Senate Bill No. 2341, as amended by the Conference Committee, failed to pass the Senate.

The motion for reconsideration carried on a rising vote.

MOTION

On motion of Senator Bailey, Engrossed Senate Bill No. 2341, as amended by the Conference Committee, was ordered held on third reading for Sunday, June 8, 1975.

MOTION

On motion of Senator Sandison the rules were suspended to allow a question to clarify a gubernatorial veto.

POINT OF INQUIRY

Senator Sandison: "Would Senator Newschwander yield? Governor Evans applied a partial veto to Substitute Senate Bill No. 2463 by eliminating section 15. Senate Bill No. 2463, for the members, was the act restructuring the vocational education system.

"For the record, I would like Senator Newschwander to summarize the background and reasons for including this section, and also to comment on whether, to his knowledge, that is Senator Newschwander's knowledge, any member of the Senate or House who was directly involved in drafting this measure was contacted by the Governor's office before he exercised the veto."

Senator Newschwander: "The section vetoed by the governor is not an important section. However, it is unfortunate that no one from the Governor's Office contacted any of us involved in drafting the bill. If they had, we could have explained that this section continued the authority of the state board of education to draft the rules and regulations pertaining to vocational technical institutes which authority was stated in the community college act, RCW 28B.50.770. That section was taken out of RCW 28B by a repealer in Senate Bill No. 2463.

"The justification for the veto was that the new commission on vocational education should promulgate rules and regulations for vocational technical institutes, not the state board for education. That rationale fails to recognize two significant points: (1) The intent of Senate Bill No. 2463 clearly is to leave administrative responsibility for secondary education with the state board of education and postsecondary education with the appropriate higher education agency; and (2) a literal interpretation of the governor's veto message would imply that the community college board could not promulgate rules and regulations pertaining to the operation of Olympia Vocational Technical Institute."

"Further, the Attorney General's Office has informally stated that the state board of education still has such authority in code by implication, although the cross statute reference has been repealed. Therefore, the governor's veto is a meaningless gesture."

COMMUNICATION FROM SENATOR MAX E. BENITZ

June 7, 1975.

TO: THE HONORABLE PRESIDENT; AND LADIES AND GENTLEMEN OF THE SENATE:

With the permission of the President and the concurrence of the Senate, these remarks have been prepared for insertion in the Journal of the Senate. They relate to the Governor's veto of Section 15 in Engrossed Substitute Senate Bill No. 2463.

Some discussions have occurred regarding the veto. The remarks of Senator Newschwander indicate a belief that the Governor's rationale for his veto was based primarily on an understanding that the new Commission on Vocational Education should promulgate rules for vocational-technical institutes. If that interpretation is correct and it provided the sole justification, I could agree with Senator Newschwander's concerns. It is not my understanding that the bill supplants the administrative control over vocational-technical institutes now being exercised with a new direct-line-authority from the new Commission.

I do, however, support the veto of Section 15. And I agree with the portion of the

Governor's message which states that the effect of Section 15 well could have been "to divide again (this) responsibility and negate much of the efforts of those who have sought to resolve the problems that led to the enactment of this bill."

Rather than attempting to re-analyze the Governor's message, I would like to share some additional reasons, not directly mentioned in his rationale, that I believe could have seriously compromised the Act had Section 15 been retained. These observations are based on my long, close relationship to vocational education in this State.

To understand my concern, several portions of the Act must be viewed in context.

This section in question—Section 15—amended RCW 28A.09.100 to direct, or authorize the State Board of Education to "adopt rules and regulations for programs authorized . . . for vocational-technical institutes as provided for by this amendatory act."

What are the "vocational-technical institutes . . . provided for by this amendatory act"?

Section 2 (6) of the Act defines them: "'Vocational-technical institute' shall mean a specialized nongraded vocational education facility established and operated for the purpose of offering comprehensive courses primarily oriented to the job market area in vocational education for persons sixteen years of age or older without regard to residence pursuant to laws, and rules and regulations pertaining to the maintainance, operation, and capital funding of vocational-technical institutes: . . ."

The additional proviso language relates to the "service areas for *common school vocational technical institutes* . . ." and I submit that it illustrates the nub of the problem. There is more than one kind of vocational-technical institute.

There are "common school vocational-technical institutes"; the five referenced in the proviso language of Section 2 (2). But there is at this time, another vocational-technical institute NOT a part of the common school system; Olympia Vocational-Technical Institute, operated by Community College District No. 12. And, in fact, the Community College Act makes provision for vocational-technical institutes several times in statute. The language of the foregoing definition DOES NOT, by statutory reference or in wording, distinguish between *two different types* of institutes.¹

Now, tie that to the fact that Section 17 of the Act places Sections 1 through 11 of this amendatory act (including this definition in Section 2) and RCW 28A.09.100 (the statute contained in Section 15) into a new Title RCW 28-C, Vocational Education. The combination of those factors supports the strong possibility that the rules and regulations to be adopted by the State Board of Education for "vocational-technical institutes" could well lead to confusion or even confrontation with the State Board for Community College Education over the operation of institutions that fit the same definition but are under *its* jurisdiction now or in the future.

The Governor's message expressed concern for potentially overlapping jurisdictions of the State Board of Education and the new Commission in the issue of these institutes. I submit that Section 15 raised additional, valid concerns for the potential overlapping jurisdiction of the Community College Board.

The dilemma created by a poorly drafted definition in Section 2 (6) was brought about very late in the development of the Act by House amendment. Proponents of these changes asserted their intention to make the alterations "veto proof". I believe the Governor avoided serious future consequences and strengthened the Act in the only way possible. He removed the section where this ambiguous definition would have been *applied*. And by so doing, he avoided the very kind of jurisdictional disputes that the Act was created to limit or resolve.

Signed by: Senator Max E. Benitz.

1. See:

RCW 28B.50.020—Purposes of community colleges—

RCW 28B.50.030—Definitions—

RCW 28B.50.140—Powers and duties of Trustees

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 2108,
SUBSTITUTE SENATE BILL NO. 2211,
SENATE BILL NO. 2334,
SENATE BILL NO. 2609,
SENATE BILL NO. 2735.

MESSAGES FROM THE HOUSE

June 7, 1975.

Mr. President: The House has concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 860 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

June 7, 1975.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 436 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

June 7, 1975.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 12 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

June 7, 1975.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1007 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

June 7, 1975.

Mr. President: The House has concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 427 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

June 7, 1975.

Mr. President: The House has concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 818 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

MOTIONS

At 6:20 p.m., on motion of Senator Mardesich, the Senate was declared to be at ease.

President Pro Tempore Henry called the Senate to order at 6:45 p.m.

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

On motion of Senator Mardesich, the Senate commenced consideration of the following resolution:

SENATE RESOLUTION 1975-69

By Senators Ridder, Herr, Goltz, Stortini, McDermott, Francis, Grant, Buffington, Bailey, Gould and North:

WHEREAS, The passage of equal rights legislation in Washington was intended to extend equal rights under law to women, and not to deny existing rights; and

WHEREAS, Workers in this state have the right to work under healthy working conditions; and

WHEREAS, No worker should be required to lift more weight than she or he is able, or to work without adequate meal and rest breaks, or to work in conditions without proper lighting, heating, ventilation, and sanitary facilities; and

WHEREAS, Mandatory overtime increases unemployment by forcing fewer workers to occupy potential job positions; and

WHEREAS, The industrial welfare committee was created by legislation with a mandate to adopt rules and regulations which would ensure the provision of minimum wages, hours and conditions of employment to all workers determined necessary to prevent pernicious effects on the health of such workers;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, That the industrial welfare committee develop rules and regulations which will extend to the entire workforce the protective regulations which had covered women and minors prior to the enactment of equal rights legislation; and

BE IT FURTHER RESOLVED, That the industrial welfare committee adopt regulations prohibiting mandatory overtime after eight hours a day and forty hours a week; and

BE IT FURTHER RESOLVED, That the industrial welfare committee hold regional public hearings at times convenient for workers affected by proposed regulations to be present and give testimony regarding the need for rules and regulations to provide healthy working conditions; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by the secretary of the senate to the Honorable Governor Daniel J. Evans and to each member of the industrial welfare committee.

MOTION

On motion of Senator Lewis (Harry), Senate Resolution 1975-69 will be considered on Sunday, June 8, 1975.

MOTION

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

SENATE RESOLUTION 1975—111

By Senators Talley, Marsh and Henry:

WHEREAS, Increased population in the Vancouver (Washington)—Portland (Oregon) area has increased traffic on the Interstate Highway Five Bridge across the Columbia River; and

WHEREAS, Numerous traffic tieups occur due to the bridge being opened for barge traffic on the river as well as motor vehicle accidents on the bridge causing traffic tieups for up to three to five hours duration; and

WHEREAS, The Interstate Highway Five Bridge is the only bridge across the Columbia River in a thirty-mile radius of the Vancouver-Portland area;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, That the members do hereby urge the Washington State Department of Highways:

(1) Seek completion of the Interstate Highway 205 Bridge at the earliest possible date.

(2) Grant approval and funds to build another bridge across the Columbia River in the Vancouver-Portland area as soon as it can be built.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the Governor of the State of Washington, Washington State Department of Highways, Washington State Highway Commission, Clark County Commissioners; and

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to members of the Hazel Dell Grange No. 1124 of Vancouver.

MOTION

On motion of Senator Mardesich, the following 1975 Senate Resolutions were referred to the Committee on Rules:

- 70—Water resources utilization, study
- 71—Irrigation, reclamation districts, study
- 72—Washington family farm, study
- 73—Agricultural lands, property taxes, study
- 74—Pesticide research progress, monitor
- 75—Agricultural labor, wages, child labor, study
- 76—Milk price stabilization, study
- 77—Uninspected salvaged foodstuffs, study
- 78—Railroad safety, employment conditions, study
- 79—Licensing, grocery, supermarkets, study
- 80—Implementing forest practices act, study
- 81—Fishing industry, economic problems, study
- 82—Clam industry, dredging, study
- 83—Fish hatcheries, bird aviaries, study
- 84—Fishing limits, season, licenses, study
- 85—Columbia river, fisheries compact, study
- 86—Pot shellfish fisheries, license, study
- 87—Columbia river smelt industry, study
- 91—Boating problems, study
- 92—Federal land management, study
- 93—Personal information systems use, study
- 94—Salaries, collective bargaining, study
- 95—Personnel boards, examiner system, study
- 96—State agency space leases, study
- 97—Alien land ownership, study
- 98—State printing operations, study
- 99—State publications, study
- 100—PDS, LEAP systems, study
- 101—Personal service contracts, study
- 102—Campaign financing, study
- 103—Land use in Washington, study
- 104—State energy policy, study
- 105—Bicycle transportation, study
- 106—Energy related matters, study
- 107—City-county consolidation, study
- 108—County road day labor, study
- 109—Consolidation sewer and water districts, study
- 110—Environmental restrictions, effect, study
- 112—Nursing home employees, study
- 113—Railroad, grade crossings, study
- 114—Post-secondary faculty tenure, study
- 115—Municipal home rules, study
- 116—Cities-towns bidding, study
- 117—Cities, towns, classification, study
- 118—Land use planning, study
- 119—Secretary of state office, study

MOTIONS

On motion of Senator Mardesich, the Senate returned to the fourth order of business.

On motion of Senator Lewis (R. H. "Bob"), Senator Clarke was excused.

MESSAGE FROM THE HOUSE

June 7, 1975.

Mr. President: The House has adopted the report of the Free Conference com-

mittee on ENGROSSED SUBSTITUTE SENATE BILL NO. 2280, and has passed the bill as amended by the Free Conference Committee, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

REPORT OF FREE CONFERENCE COMMITTEE

June 7, 1975.

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 2280, pertaining to financing municipal transportation systems, have had the same under consideration, and we recommend that the House committee amendment be amended as recommended by the Conference Committee.

Signed by: Senators Walgren, Guess and Bottiger; Representatives Patterson, Smith (Ed) and Conner.

MOTION

On motion of Senator Walgren, the report of the Free Conference Committee on Engrossed Substitute Senate Bill No. 2280 was adopted.

POINT OF INQUIRY

Senator Walgren: "Will Senator Bottiger yield to a question? Senator Bottiger, with regard to this bill we have had some question with regard to the taxing procedures and the Department of Revenue has some attitude with regard to it and I wonder if you have any further information as to the attitude of the Director of the Department of Revenue with regard to Senate Bill 2280?"

Senator Bottiger: "Mary Ellen McCaffree and I met in the Governor's office with some of the members of his staff and I have a memorandum from her to myself which asked me to read into the record the following:

"I have recently met with representatives of the Department of Revenue who expressed their concern with the provisions of Senate Bill 2280 allowing undefined geographical areas to levy local sales and use taxes. A particular concern is the possible compliance problems of retailers collecting the tax. The Department, in view of the legislature's recognition of the overriding importance of mass transportation financing needs, wishes to work with the legislature to study various alternatives that would minimize the collection problems. Such alternatives may be presented at a future session of the legislature.' In addition to that, I would like to add that there is a bill in Congress recognizing this problem and this is why our recognition of the problem and the willingness to work for a solution should be a part of our Journal."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2280, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 36; nays, 2; absent or not voting, 5; excused, 6.

Voting yea: Senators Bailey, Benitz, Bluechel, Bottiger, Buffington, Cunningham, Day, Fleming, Francis, Goltz, Gould, Guess, Henry, Jolly, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Wilson—36.

Voting nay: Senators Grant, Rasmussen—2.

Absent or not voting: Senators Donohue, Herr, Jones, Keefe, Pullen—5.

Excused: Senators Beck, Clarke, Scott, Stortini, Washington, Woody—6.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2280, 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 Mardesich, the Senate commenced consideration of the Conference Committee report on Engrossed Substitute House Bill No. 866.

MESSAGE FROM THE HOUSE

June 7, 1975.

Mr. President: The House has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 866, and has granted said committee the powers of Free Conference.

DONALD R. WILSON, Assistant Chief Clerk.

REPORT OF CONFERENCE COMMITTEE

June 7, 1975.

Mr. Speaker:

Mr. President:

We, of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 866, adopting a budget for state agencies, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

On page 1, line 1 of the title after "budget;" strike the balance of the bill and insert: "making appropriations and authorizing expenditures for the operations of state agencies for the fiscal biennium beginning July 1, 1975, and ending June 30, 1977; making other appropriations; 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. 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, other expenses of the agencies and officers of the state, and for other specified purposes for the fiscal biennium beginning July 1, 1975, and ending June 30, 1977, except as otherwise provided, out of the several funds of the state hereinafter named.

NEW SECTION. Sec. 2. FOR THE LEGISLATURE

General Fund Appropriation	\$ 2,563,000
Total Appropriation.	\$ 2,563,000

The appropriation contained in this section shall be subject to the following conditions and limitations:

- (1) \$7,500 for the senate ethics committee.
- (2) \$7,500 for the house ethics committee.
- (3) \$10,000 for Western Forest Practices Task Force.
- (4) \$542,000 for data base operation and staffing.
- (5) \$1,006,000 for the accounting system and central data base modification.
- (6) \$990,000 for special projects and studies, including, but not limited to, special fiscal audit surveys, energy research, hazardous wastes, economic development, civil service position control, pension studies, and common school financing.

NEW SECTION. Sec. 3. FOR THE LEGISLATIVE BUDGET COMMITTEE

General Fund Appropriation	\$ 741,915
Total Appropriation.	\$ 741,915

NEW SECTION. Sec. 4. FOR THE STATUTE LAW COMMITTEE

General Fund Appropriation	\$ 2,428,726
Total Appropriation.	\$ 2,428,726

NEW SECTION. Sec. 5. FOR THE SUPREME COURT

General Fund Appropriation	\$ 2,747,967
Total Appropriation.	\$ 2,747,967

The appropriation contained in this section shall be subject to the following condition or limitation: Not more than \$399,115 shall be expended for expenses incurred in perfecting appellate review of indigent cases.

NEW SECTION. Sec. 6. FOR THE LAW LIBRARY

General Fund Appropriation	\$ 807,639
Total Appropriation.	\$ 807,639

NEW SECTION. Sec. 7. FOR THE COURT OF APPEALS

General Fund Appropriation	\$ 2,571,699
Total Appropriation.	\$ 2,571,699

The appropriation contained in this section shall be subject to the following condition or limitation: \$15,000 may be expended for the purpose of determining an appropriate site to construct a facility for Division I of the court and priority consideration shall be given to a site adjacent to the University of Washington School of Law.

NEW SECTION. Sec. 8. FOR THE ADMINISTRATOR FOR THE COURTS

General Fund Appropriation—State	\$ 4,929,944
General Fund Appropriation—Federal	\$ 170,912
Total Appropriation.	\$ 5,100,856

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) Not more than \$50,000 shall be expended for criminal cost bills, including prior claims.

(2) Not more than \$25,000 shall be expended for obligations incurred during the 1973-75 biennium.

(3) Not more than \$74,560 shall be expended for judges pro tem for the superior courts and the administrator for the courts shall authorize and approve all such expenditures.

(4) \$3,641,992 for superior court judges.

(5) \$659,380 for judges' retirement fund contributions in accordance with RCW 2.12.060.

NEW SECTION. Sec. 9. FOR THE JUDICIAL COUNCIL

General Fund Appropriation	\$ 166,204
Total Appropriation.	\$ 166,204

NEW SECTION. Sec. 10. FOR THE OFFICE OF THE GOVERNOR

General Fund Appropriation	\$ 1,661,691
Total Appropriation.	\$ 1,661,691

The appropriation contained in this section shall be subject to the following conditions and limitations:

(1) \$1,358,293 for executive operations.

(2) \$20,000 for investigation and emergency purposes to be distributed on vouchers approved by the governor.

(3) \$190,690 for 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 and for legal services as determined by the attorney general.

(4) \$92,708 for mansion maintenance.

NEW SECTION. Sec. 11. FOR THE GOVERNOR—SPECIAL APPROPRIATIONS

General Fund Appropriation—State	\$105,640,918
General Fund Appropriation—Federal	\$ 12,962,742
Special Fund Salary Increase Revolving Fund Appropriation	\$ 41,087,810
Total Appropriation.	\$159,691,470

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) \$630,000 for the governor's emergency fund to be allocated for the purpose of carrying out the critically necessary work of any agency.

(2) Not more than \$700,000 may be allotted by the governor for survey and installation purposes.

- (3) \$20,000 for the Interstate Nuclear Compact.
- (4) \$2,000 for the Advisory Commission on Intergovernmental Relations.
- (5) \$100,340 for the Council on State Governments.
- (6) \$60,000 for Governor's Transition.
- (7) \$75,000 for the National Guard Association Conference.
- (8) Not more than \$117,016,320 in general fund moneys (including \$12,962,742 in federal funds) shall be expended for continuation during the 1975-77 biennium of the salary increases which were granted effective March 1, 1975 pursuant to section 2, chapter 9, Laws of 1975 to state classified and higher education classified employees, state employees exempt from the classified service, faculty and exempt employees of the four year units of higher education and the community college system, excluding student employees not under the jurisdiction of the state personnel board or higher education personnel board classification systems, and commissioned members of the Washington state patrol. Such salary increase funds include increments, or their equivalent, that may be granted by the individual institutions of higher education.
- (9) Not more than \$41,087,810 in Special Fund Salary Increase Revolving Fund moneys shall be expended for continuation during the 1975-77 biennium of the salary increases granted pursuant to section 2, chapter 9, Laws of 1975, and to facilitate payment of such increases the state treasurer is hereby directed to transfer sufficient revenue from each special fund to the Special Fund Salary Increase Revolving Fund, in accordance with schedules provided by the office of program planning and fiscal management.
- (10) It is the intent of the legislature that no fund contained in the appropriations made by this section shall be expended for Alternatives for Washington purposes.

NEW SECTION. Sec. 12. FOR THE LIEUTENANT GOVERNOR

General Fund Appropriation	\$ 102,434
Total Appropriation.	\$ 102,434

NEW SECTION. Sec. 13. FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund Appropriation	\$ 472,112
Total Appropriation.	\$ 472,112

NEW SECTION. Sec. 14. FOR THE SECRETARY OF STATE

General Fund Appropriation	\$ 2,109,690
Total Appropriation.	\$ 2,109,690

The appropriation contained in this section shall be subject to the following condition or limitation: \$540,000 shall be expended exclusively for support of the initiative and referendum program.

NEW SECTION. Sec. 15. FOR THE GOVERNOR'S INDIAN ADVISORY COUNCIL

General Fund Appropriation	\$ 199,664
Total Appropriation.	\$ 199,664

NEW SECTION. Sec. 16. FOR THE COMMISSION ON ASIAN-AMERICAN AFFAIRS

General Fund Appropriation	\$ 90,436
Total Appropriation.	\$ 90,436

NEW SECTION. Sec. 17. FOR THE WASHINGTON STATE WOMEN'S COUNCIL

General Fund Appropriation	\$ 77,000
Total Appropriation.	\$ 77,000

NEW SECTION. Sec. 18. FOR THE STATE TREASURER

General Fund—Investment Reserve Account Appropriation	\$ 743,011
Motor Vehicle Fund Appropriation	\$ 21,803
State Treasurer's Service Fund Appropriation	\$ 1,615,622
War Veterans' Compensation Fund Appropriation	\$ 91,692
War Veterans' Compensation Fund Reappropriation.	\$ 1,142,000
Total Appropriation and Reappropriation	\$ 3,614,128

The appropriations and reappropriations contained in this section shall be subject to the following conditions and limitations:

(1) Not more than \$44,347 from the war veterans' compensation fund appropriation shall be expended for administration of the Vietnam Bonus Act if chapter . . . , Laws of 1975 of 1975 1st ex. sess. (SSB 2965 or similar legislation), which extends the application date for such bonus for one year, is not enacted into law.

(2) The war veterans' compensation fund reappropriation shall be expended exclusively for Vietnam bonus payments as provided in chapter 173, Laws of 1974 ex. sess. Only \$400,000 or so much thereof as may be necessary of such reappropriation shall be expended for Vietnam bonus payments if chapter . . . , Laws of 1975 1st ex. sess. (SSB 2965 or similar legislation), which extends the application date for such bonus for one year, is not enacted into law.

NEW SECTION. Sec. 19. FOR THE STATE AUDITOR

General Fund Appropriation	\$ 3,802,272
Motor Vehicle Fund Appropriation	\$ 149,980
Total Appropriation.	\$ 3,952,252

The appropriations contained in this section shall be subject to the following condition or limitation: It is the intent of the legislature that the legal costs incurred by the attorney general to insure compliance with the findings of the state auditor in state agency audits shall be charged to the agency that received that audit.

NEW SECTION. Sec. 20. FOR THE ATTORNEY GENERAL

General Fund Appropriation	\$ 1,719,588
Legal Services Revolving Fund Appropriation	\$ 8,640,579
Total Appropriation.	\$ 10,360,167

NEW SECTION. Sec. 21. FOR THE OFFICE OF PROGRAM PLANNING AND FISCAL MANAGEMENT

General Fund Appropriation	\$ 5,550,303
Total Appropriation.	\$ 5,550,303

The appropriation contained in this section shall be subject to the following conditions and limitations:

(1) \$4,950,303 for operations.

(2) Not more than \$400,000 shall be expended for supplies and services furnished in previous biennia. Allocations shall be made to state agencies in accordance with instructions from OPP&FM.

(3) Not more than \$200,000 shall be expended for payment of assessments against state owned lands.

(4) It is the intent of the legislature that state funds in the amount of \$248,000 included in state agency budgets for state magazine purposes in the 1975-77 biennium shall be reverted to the state general fund through the office of program planning and fiscal management's allotment process.

NEW SECTION. Sec. 22. FOR THE DEPARTMENT OF PERSONNEL

General Fund Appropriation	\$ 10,000
Personnel Service Revolving Fund—State	\$ 5,636,683
Personnel Service Revolving Fund—Federal	\$ 1,409,000
State Employees' Insurance Fund	\$ 589,273
Total Appropriation.	\$ 7,644,956

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) \$10,000 for payments of Employee Suggestion Awards.

(2) Not more than \$5,636,683 of the personnel service revolving fund appropriation shall be from state funds.

(2) \$82,474 of the personnel service revolving fund appropriation shall be reimbursable from the department of social and health services for the biennial costs of the department of personnel state employees' alcoholism program established in accordance with RCW 70.96A.080.

(4) \$479,236 of the personnel service revolving fund appropriation shall be ex-

pended by the department of personnel to administer, maintain, and operate a central automated personnel/payroll system which is hereby authorized. To facilitate proper distribution of costs, the department of personnel is authorized to utilize the data processing revolving fund created by RCW 43.105.080: PROVIDED, That the staff of the data processing service center engaged in payroll data control and payroll data entry, along with such records, files, data, materials, equipment, supplies, and other assets as are directly associated with their function shall be transferred, effective October 1, 1975, to the department of personnel.

(5) All expenses of the state employees' insurance board shall be paid from the state employees' insurance fund.

NEW SECTION. Sec. 23. FOR THE CAPITOL COMMITTEE

General Fund—Capitol Building Construction Account Appropriation.	\$	20,000
Total Appropriation.	\$	20,000

NEW SECTION. Sec. 24. FOR THE DATA PROCESSING AUTHORITY

General Fund Appropriation	\$	2,803,599
General Fund—Resource Management Cost Account Appropriation	\$	100,000
Accident Fund Appropriation	\$	10,000
Medical Aid Appropriation	\$	10,000
Motor Vehicle Fund Appropriation	\$	175,000
Total Appropriation.	\$	3,098,599

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) \$1,400,000 of the \$2,803,599 general fund appropriation contained in this section shall be transferred to the data processing revolving fund and expended for the purchase of equipment necessary to establish service centers in accordance with consolidation plans.

(2) \$593,099 of the \$2,803,599 general fund appropriation contained in this section shall be expended to assist agencies in transferring to a consolidated data processing environment.

(3) The resource management cost account appropriation, accident fund appropriation, Medical Aid Appropriation, and motor vehicle fund appropriation contained in this section shall be expended to assist agencies in transferring to a consolidated data processing environment.

(4) It is the intent of the legislature that additional transitional costs related to the consolidation plan in excess of those provided for by the appropriations contained in this section shall be considered upon justification therefor.

NEW SECTION. Sec. 25. FOR THE COMMISSION ON MEXICAN-AMERICAN AFFAIRS

General Fund Appropriation	\$	88,687
Total Appropriation.	\$	88,687

NEW SECTION. Sec. 26. FOR THE WASHINGTON PUBLIC EMPLOYEES' RETIREMENT SYSTEM

General Fund Appropriation	\$	79,809,101
Retirement System Expense Fund Appropriation.	\$	2,543,802
Total Appropriation.	\$	82,352,903

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) Not more than \$2,134,381 of the retirement system expense fund appropriation contained in this section shall be expended for the administration of the Washington public employees' retirement system.

(2) Not more than \$409,421 of the retirement system expense fund appropriation contained in this section shall be expended for administration of the Law Enforcement Officers' and Fire Fighters' Retirement System. The board shall fix the rate charged to employer units of the LEOFF system at a level sufficient to provide income to the retirement system expense fund in the 1975-77 biennium equal to the amount appropriated by this subsection.

(3) \$37,965 of the general fund appropriation contained in this section shall be expended for the administrative expenses of judicial retirement system.

(4) \$79,500,000 of the general fund appropriation contained in this section shall be expended for contribution to the LEOFF system.

(5) \$271,136 of the general fund appropriation contained in this section shall be expended for contribution to the judicial retirement system.

NEW SECTION. Sec. 27. FOR THE FINANCE COMMITTEE

General Fund—Investment Reserve Account Appropriation	\$ 526,039
Total Appropriation.	\$ 526,039

The appropriation contained in this section shall be subject to the following condition or limitation: The committee shall assume full responsibility for the investment management of the state trust and retirement funds and the additional staff necessary for such assumption shall be subject to the development of a contract (or contracts) for the reimbursement of such services from the state trust and retirement funds.

NEW SECTION. Sec. 28. FOR THE DEPARTMENT OF REVENUE

General Fund Appropriation	\$ 19,970,898
State Timber Reserve Fund Appropriation	\$ 1,480,732
Total Appropriation.	\$ 21,451,630

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) Audit coverage of all tax returns shall be increased from 15% to 17%.

(2) Audit coverage of timber tax returns shall be accomplished by the current audit staff of the department without an increase in FTE staff years. Audit costs attributable to the timber tax are to be credited against the appropriation from the State Timber Reserve Fund.

(3) Twelve positions (20 FTE's) shall be added to the current staff of 19 (38 FTE's) for improvement of the administration of the timber tax including stumpage and land valuation.

NEW SECTION. Sec. 29. FOR THE TAX APPEALS BOARD

General Fund Appropriation	\$ 600,881
Total Appropriation.	\$ 600,881

NEW SECTION. Sec. 30. FOR THE MUNICIPAL RESEARCH COUNCIL

General Fund Appropriation	\$ 735,000
Total Appropriation.	\$ 735,000

NEW SECTION. Sec. 31. FOR THE UNIFORM LEGISLATION COMMISSION

General Fund Appropriation	\$ 15,826
Total Appropriation.	\$ 15,826

NEW SECTION. Sec. 32. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Fund Appropriation	\$ 6,509,467
Department of General Administration Facilities and Services Revolving Fund Appropriation	\$ 7,017,307
General Fund—Motor Transport Account	
Appropriation	\$ 2,616,585
Total Appropriation.	\$ 16,143,359

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) Not more than \$64,500 shall be expended for the Migrant Campsite Advisory Council established by the director to extend the Buena pilot project to a full biennial operation.

(2) The motor transport account appropriation shall be expended as follows:

(a) \$2,116,585 for operation of motor vehicle transportation services; and

(b) \$500,000 for provision of additional motor vehicle transportation services.

Such funds shall not be available for allotment or expenditure until a plan or plans for such expanded services shall have been reviewed and approved by the office of program

planning and fiscal management on behalf of the governor. A report of any amounts approved for allotment shall be filed with the legislative auditor and such auditor shall transmit such report to the standing ways and means committees and the legislative budget committee.

(3) \$210,000 of the general fund appropriation shall be expended exclusively for the implementation of chapter . . . , Laws of 1975 1st ex. sess. (HB 102). It is the intent of the legislature that such expenditure shall result in a minimum of \$4,000,000 savings and cost avoidance in the overall state purchasing and material control system during the 1975-77 biennium. Accordingly, all dollar amounts representing cost savings or cost avoidance achieved by the state supply management policy board during this biennium shall not be allotted or expended, but shall be reserved for reversion to the fund of origin.

(4) \$210,000 of the general fund appropriation shall be expended for the maintenance and upkeep of the Northern State Hospital facility with a monthly limit on expenditures of not more than \$35,000. The office of program planning and fiscal management is hereby directed to furnish the next session of the legislature with a plan and recommendation for disposition of the facility.

NEW SECTION. Sec. 33. FOR THE PRESIDENTIAL ELECTORS.

General Fund Appropriation	\$	325
Total Appropriation.	\$	325

NEW SECTION. Sec. 34. FOR THE INSURANCE COMMISSIONER

General Fund Appropriation	\$	4,097,320
Total Appropriation.	\$	4,097,320

The appropriation contained in this section shall be subject to the following conditions and limitations:

(1) \$987,873 shall be expended exclusively for support of the Fire Safety and Regulation Program.

(2) Whenever the Insurance Companies Reimbursement Fund—Local exceeds \$248,400, there shall be a corresponding increase in unexpended state funds.

NEW SECTION. Sec. 35. FOR THE BOARD OF ACCOUNTANCY

General Fund Appropriation	\$	293,217
Total Appropriation.	\$	293,217

NEW SECTION. Sec. 36. FOR THE ATHLETIC COMMISSION

General Fund Appropriation	\$	42,007
Total Appropriation.	\$	42,007

NEW SECTION. Sec. 37. FOR THE CEMETERY BOARD

General Fund—Cemetery Account Appropriation	\$	40,287
Total Appropriation.	\$	40,287

NEW SECTION. Sec. 38. FOR THE HORSE RACING COMMISSION

Horse Racing Commission Fund	\$	1,301,201
Total Appropriation.	\$	1,301,201

The appropriation contained in this section shall be subject to the following conditions and limitations:

(1) If there are more than 454 racing days during the 1975-77 biennium, the governor is hereby authorized to allocate such additional funds as may be required.

(2) It is the intent of the legislature that the School of Veterinary Medicine of Washington State University shall perform the chemical analyses required by the commission during the 1976 racing season, unless the school is prohibited from doing so by technical limitations.

NEW SECTION. Sec. 39. FOR THE LIQUOR CONTROL BOARD

Liquor Board Revolving Fund Appropriation.	\$	35,924,688
Total Appropriation.	\$	35,924,688

The appropriation contained in this section shall be subject to the following condition or limitation:

It is the intent of the legislature that during the 1975-77 biennium the board shall not operate more than 326 state retail liquor outlets.

NEW SECTION. Sec. 40. FOR THE PHARMACY BOARD

General Fund Appropriation	\$ 535,349
Total Appropriation.	\$ 535,349

NEW SECTION. Sec. 41. FOR THE UTILITIES AND TRANSPORTATION COMMISSION

Public Service Revolving Fund Appropriation	\$ 7,944,367
Grade Crossing Protective Fund Appropriation	\$ 675,000
Total Appropriation.	\$ 8,619,367

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) \$100,000 from the grade crossing protective fund appropriation may be expended for obligations incurred in the 1973-75 biennium for the grade crossing protective program.

(2) \$115,000 from the public service revolving fund appropriation may be expended in the transportation program to carry out a study of motor carrier statutes, chapter 81.80 RCW, for the purpose of proposing necessary changes in such statutes to the legislature. The results of such study and any recommendations shall be transmitted to the legislature and the governor prior to the next regular session of the legislature.

NEW SECTION. Sec. 42. FOR THE BOARD FOR VOLUNTEER FIREMEN**Volunteer Firemen's Relief and Pension Fund**

Appropriation	\$ 76,559
Total Appropriation.	\$ 76,559

The appropriation contained in this section shall be subject to the following condition or limitation: \$5,000 shall be expended to conduct an actuarial valuation of the Volunteer Firemen's Relief and Pension Fund.

NEW SECTION. Sec. 43. FOR THE DEPARTMENT OF EMERGENCY SERVICES

General Fund Appropriation—State	\$ 407,197
General Fund Appropriation—Federal	\$ 1,765,731
Total Appropriation.	\$ 2,172,928

The appropriation contained in this section shall be subject to the following condition or limitation: The energy information and conservation center program, and the 10 FTE's requested for this function, shall not be implemented unless federal funds of \$144,618 are available for such program.

NEW SECTION. Sec. 44. FOR THE MILITARY DEPARTMENT

General Fund Appropriation	\$ 3,912,181
Armory Fund Appropriation.	\$ 442,034
Total Appropriation.	\$ 4,354,215

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) Not less than \$330,000 shall be expended for major maintenance and repair of installations.

(2) \$25,000 of the general fund appropriation may be expended for the national guard youth today program.

NEW SECTION. Sec. 45. FOR THE TEACHERS' RETIREMENT SYSTEM

General Fund Appropriation	\$ 99,562,353
Teachers' Retirement Fund Appropriation	\$ 1,438,216
Total Appropriation.	\$ 101,000,569

The appropriation contained in this section shall be subject to the following condition or limitation: Not more than \$99,562,353 of this appropriation shall be expended for contributions to the teachers' retirement system.

NEW SECTION. Sec. 46. FOR THE HIGHER EDUCATION PERSONNEL BOARD**Higher Education Personnel Board Service Fund**

Appropriation	\$ 744,746
Total Appropriation.	\$ 744,746

NEW SECTION. Sec. 47. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST

Highway Bond Retirement Fund Appropriation	\$ 79,018,501
Public School Building Bond Redemption Fund	
1959 Appropriation	\$ 4,761,588
Public School Building Bond Redemption Fund	
1961 Appropriation	\$ 7,304,615
Public School Building Bond Redemption Fund	
1963 Appropriation	\$ 8,598,029
Public School Building Bond Redemption Fund	
1965 Appropriation	\$ 2,436,230
Common School Building Bond Redemption Fund	
1967 Appropriation	\$ 6,956,060
University of Washington Bond Retirement Fund	
Appropriation	\$ 3,326,572
University of Washington Hospital Bond Retirement	
Fund Appropriation	\$ 1,251,628
Washington State University Bond Retirement	
Fund Appropriation	\$ 2,228,979
Central Washington State College Bond Retirement	
Fund Appropriation	\$ 1,421,511
Eastern Washington State College Bond Retirement	
Fund Appropriation	\$ 1,090,536
Western Washington State College Bond Retirement	
Fund Appropriation	\$ 1,594,548
The Evergreen State College Bond Retirement	
Fund 1967 Appropriation	\$ 208,116
State Higher Education Bond Redemption Fund	
1973 Appropriation	\$ 1,919,435
State Higher Education Bond Redemption Fund	
1974 Appropriation	\$ 1,237,306
Community College Bond Retirement	
Fund Appropriation	\$ 9,227,981
Community College Capital Improvement Bond	
Redemption Fund 1972 Appropriation	\$ 2,356,600
Community College Refunding Bond Retirement	
Fund 1974 Appropriation	\$ 980,496
Office-Laboratory Facilities Bond Redemption	
Fund Appropriation	\$ 62,580
Community College Capital Construction Bond	
Retirement Fund 1975 Appropriation	\$ 390,000
Community College Capital Construction Bond	
Retirement Fund 1975 Appropriation	\$ 1,140,000
Institutional Building Bond Redemption Fund	
1957 Appropriation	\$ 3,535,720
State Building Construction Bond Redemption	
Fund Appropriation	\$ 8,487,823
State Building and Higher Education Construction	
Bond Redemption Fund 1965 Appropriation	\$ 8,478,420
State Building and Higher Education Construction	
Bond Redemption Fund 1967 Appropriation	\$ 9,758,391
Juvenile Correctional Institutional Building Bond	
Redemption Fund 1963 Appropriation	\$ 621,010
General Administration Building Bond Redemption	
Fund Appropriation	\$ 714,253
State Building and Parking Bond Redemption	
Fund 1969 Appropriation	\$ 2,450,580

State Building Bond Redemption Fund 1967	
Appropriation	\$ 650,510
State Building Bond Redemption Fund 1973A	
Appropriation	\$ 392,071
State Building Bond Redemption Fund 1973	
Appropriation	\$ 3,405,448
Social and Health Services Facilities Bond	
Redemption Fund Appropriation	\$ 726,560
Outdoor Recreational Bond Redemption Fund	
Appropriation	\$ 1,846,843
Recreation Improvements Bond Redemption Fund	
Appropriation	\$ 1,464,220
Water Pollution Control Facilities Bond Redemption	
Fund 1967 Appropriation	\$ 3,866,796
Outdoor Recreational Bond Redemption Fund 1967	
Appropriation	\$ 6,324,803
State Building Authority Bond Redemption Fund	
Appropriation	\$ 9,983,305
Waste Disposal Facilities Bond Redemption Fund	
Appropriation	\$ 3,209,632
Water Supply Facilities Bond Redemption Fund	
Appropriation	\$ 1,688,756

NEW SECTION. Sec. 48. FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance	
premiums tax distribution	\$ 1,620,000
General Fund Appropriation for all-terrain vehicles	
and snowmobile registration by counties	\$ 24,344
General Fund Appropriation for public utility district	
excise tax distribution	\$ 11,232,000
General Fund Appropriation for prosecuting	
attorneys salaries	\$ 845,625
General Fund Appropriation for Motor Vehicle	
Excise Tax Distribution	\$ 24,156,893
General Fund Appropriation for Camper and	
Travel Trailer Excise Tax Distribution	\$ 1,145,178
General Fund—Harbor Improvement Account Appropriation	
for harbor improvement revenue distribution	\$ 192,500
Liquor Excise Tax Fund Appropriation for liquor	
excise tax distribution	\$ 14,000,000
Motor Vehicle Fund Appropriation for motor vehicle fuel tax	
and overload penalties distribution	\$130,000,000
Liquor Board Revolving Fund Appropriation for	
liquor profits distribution	\$ 39,425,000
State Timber Tax Fund 'A' Appropriation for	
distribution to "Timber" Counties	\$ 16,191,000
State Timber Reserve Fund Appropriation for	
distribution to "Timber" Counties	\$ 20,664,648
Lease Hold in Lieu Tax Fund Appropriation for	
distribution	\$ 1,770,000

NEW SECTION. Sec. 49. FOR THE STATE TREASURER—FEDERAL REVENUES FOR DISTRIBUTION

Forest Reserve Fund Appropriation for forest	
reserve fund distribution	\$ 30,800,000
General Fund Appropriation for federal flood	
control funds distribution	\$ 36,564

General Fund Appropriation for Federal grazing

fees distribution	\$	29,580
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NEW SECTION. Sec. 50. DEPARTMENT OF SOCIAL AND HEALTH SERVICES.

State Funding Sources	\$	795,218,445
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Federal Funding Sources	\$	632,993,859
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Local Funding Sources	\$	2,441,126
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Total	\$1,430,653,430
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The appropriations contained in section 52 through 62 of this act shall be subject to the following conditions and limitations:

(1) The legislature recognizes that mass institutionalization and hospitalization may not be a satisfactory solution to the treatment of physical or mental disorders or the problem of criminal rehabilitation. The legislature further recognizes that proposals to modify such institutionalization and hospitalization have not been thoroughly reviewed for substance or fiscal impact in such a manner as to permit the development of sound legislative policy in these areas. Therefore, the legislature has established a budgetary position that will assure institutional provisions for the safety and well-being of all our citizens, but which restrains the modification of existing methods until questions of policy and fiscal impact have been determined by the legislature.

(2) Not later than October 1, 1975, the department shall transmit a list to the standing ways and means committees of all federal moneys received, including unanticipated receipts so noted, as of July 1, 1975, by departmental program, category, and organizational unit which list shall include the following information:

(a) The granting federal agency;

(b) A brief description and federal reference number, if applicable;

(c) The specific amount of money received and the purpose for which it is intended;

(d) The matching requirements; and

(e) The limiting factors, if any.

Monthly revisions to the list required by this subsection, including unanticipated receipts, shall be provided in the same manner as the original list for the remainder of the fiscal biennium.

(3) The department shall not transfer more than ten million dollars between the programs appropriated for in sections 51 through 62 of this act without specific approval of the office of program planning and fiscal management and the standing ways and means committees. The department shall notify the office of program planning and fiscal management and the standing ways and means committees whenever any transfers are made which are within the limits established by this subsection.

(4) The department shall provide quarterly reports to the standing ways and means committees relating to the realization of all projected program savings upon which the 1975-77 departmental budget request is predicated.

(5) The department of social and health services shall establish regulations for reasonable nursing home accounting and reimbursement systems which recognize relevant cost related factors for department of social and health services patients. This shall include, but not be limited to, the scope or level of services or care, requirements of staff, physical plant, a reasonable rate of return on investment, and incentives for improved patient care within funds available to the department for nursing home care. The regulations shall provide that no payment will be made to a nursing home which does not permit inspection by the department of social and health services of every part of its premises and an examination of all records, including financial records, methods of administration, general and special dietary programs, the disbursement of drugs and methods of supply, and any other records the department deems relevant to the establishment of such a system. Not later than January 1, 1976, the department shall provide a report to the standing ways and means and social and health services committees which reviews the nursing home cost reimbursement system and other vendor payments and which includes required state and federal standards, standards maintained, all completed audits, and recommendations for legislative consideration.

(6) The department shall present fiscal and organizational zero-base data to the standing ways and means committees and the social and health services committees, by July 1, 1976, which will assist in reestablishing the budgetary base for the public health, vocational rehabilitation, and administrative and support services programs.

(7) The department shall develop a proposal for a group homes cost reimbursement system that provides incentives for improving client care. The proposal shall provide for maximum limits for described levels and kinds of care that ensure that expenditures shall be within amounts appropriated for such care. The cost reimbursement system shall also include consideration of various salary schedules necessary for the delivery of such components of care and shall also include consideration of wage and salary levels of comparable positions in the public and private sectors. The department shall submit the proposed cost reimbursement system to the standing ways and means and social and health services committees for approval prior to the implementation of the system.

(8) If the claim made by the state to the United States department of health, education, and welfare on October 24, 1972, for reimbursement in the amount of \$32,876,903 is sustained in whole or in part such funds and any other similar funds received by the state shall be deposited by the state treasurer in Suspense Fund 705 and no allocation or disbursement from such fund shall be made except as specifically authorized by legislative enactment.

All disputes arising between the state and the United States department of health, education, and welfare involving the state's claim or claims to federal reimbursement of state expenditures as provided by the applicable provisions of the federal social security act which would have the effect of reducing or increasing any appropriation or any part thereof as set forth in this act shall be negotiated and settled only with the consent of a majority of the members of the respective ways and means committees of the legislature.

The sum of \$5,508,264 currently held by the state treasurer in Suspense Fund 705 pending the completion of federal review of the legitimacy of the aforementioned claim for such moneys shall continue to be held and no allocation or disbursement from such funds shall be made without specific authorization by legislative enactment, except to repay the federal government if necessary.

If the department of social and health services claims additional matching for the period of October 1, 1972, through June 30, 1973, or any portion thereof, or for any other period, such moneys shall be deposited by the state treasurer in Suspense Fund 705 and no allocation or disbursement from such fund shall be made except as specifically authorized by legislative enactment.

(9) The department shall deploy personnel in such a manner as to insure, insofar as is possible, that ineligible persons shall be removed from current caseloads, errors resulting in overpayments or underpayments to recipients shall be corrected, efforts shall be made to insure that only eligible individuals are added to the public assistance caseloads, and that caseloads are kept within the estimates for which funds are provided by this act.

Compliance with this act and the attempt to contain caseloads within acceptable limits shall be accomplished but, notwithstanding the provisions of RCW 74.08.040, the department of social and health services shall not impose ratable reductions, or any other form of reduction in public assistance grants which are in addition to, or in any way lower than the maximums presently imposed.

(10) It is the intent of the legislature that the department shall not initiate any new or additional programs or services in any of the agency's programs beyond those authorized in sections 52 through 62 of this act without prior approval of the ways and means committees of the legislature.

NEW SECTION. Sec. 51. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ADULT CORRECTIONS AND REHABILITATION PROGRAM

(1) COMMUNITY REHABILITATION SERVICES.

General Fund Appropriation—State	\$ 11,661,708
General Fund Appropriation—Federal	\$ 1,985,251

Total Appropriation. \$ 13,646,959

The appropriations contained in this subsection shall be subject to the following conditions and limitations:

(a) The department shall expend not more than 770.5 FTE staff years within the community rehabilitation services category during the 1975-77 biennium.

(b) Probation and parole case service may be expanded by an expenditure level not to exceed \$1,948,568 (including \$1,648,568 from federal funds) and a staffing level not to exceed 146.0 FTE's.

(c) It is the intent of the legislature that a specialized caseload diversion project may be initiated in community rehabilitative services at an expenditure level not to exceed \$376,683 (including \$336,683 from federal funds) and a staffing level not to exceed 30.0 FTE's.

(d) The programs at the Washington state reformatory's Trails End Farm may be expanded to accommodate an additional 50 residents by expansion of the expenditure level in an amount not to exceed \$82,876 and by expansion of the staffing level not to exceed 7.0 FTE's.

(e) \$142,800 of the general fund appropriation—state shall be utilized to supplement funds granted under the National Institute of Law Enforcement and Criminal Justice grant number 74-TA-10-001.

(f) \$11,929 shall be utilized for expansion of the gate money program to Indian Ridge and Larch Mountain Honor Camp.

(2) INSTITUTIONAL REHABILITATION SERVICES.

General Fund Appropriation—State \$ 14,431,685

Total Appropriation. \$ 14,431,685

The appropriations contained in this subsection shall be subject to the following conditions and limitations:

(a) The department shall expend not more than 787.4 FTE staff years within the institutional rehabilitation services category during the 1975-77 biennium.

(b) Not more than 12 FTE staff years and not more than \$148,131 shall be expended for expanded night security at the women's treatment center at Purdy.

(c) \$11,441 shall be utilized for expansion of the resident wages program at Larch Mountain.

(d) \$35,478 shall be utilized in the purchase of equipment.

(e) In order to achieve a balanced counselor/inmate ratio at state correctional institutions, \$258,888 and an additional staffing level not to exceed 20.0 FTE's shall be expended for institutional classification counselors.

(3) CUSTODY.

General Fund Appropriation—State \$ 15,113,277

Total Appropriation. \$ 15,113,277

The appropriations contained in this subsection shall be subject to the following conditions and limitations:

(a) The department shall expend not more than 1,227.0 FTE staff years within the custody category during the 1975-77 biennium.

(b) \$1,213,766 and additional staffing not to exceed 116.0 FTE's in excess of the current level, shall be expended for staff coverage as required by the department's institutional post assignment survey.

(c) Expansion of night security staffing at the Washington corrections center and Larch Mountain Honor Camp by expending not more than 20.0 FTE staff years and by the expenditure of not more than \$220,428.

(4) SPECIAL PROJECTS.

General Fund Appropriation—State \$ 1,107,113

General Fund Appropriation—Federal \$ 291,767

Total Appropriation. \$ 1,398,880

The appropriations contained in this subsection shall be subject to the following conditions and limitations:

(a) The department shall expend not more than 52.0 FTE staff years within the special projects category during the 1975-77 biennium.

(b) It is the intent of the legislature that \$1,398,880 (including \$291,767 from federal funds) and a staffing level not to exceed 52.0 FTE's shall be expended within the program for the special projects category.

(i) Such expenditures shall include \$770,000 and 24.0 FTE's for the establishment and operation of a minimum-to-moderate correctional center at Firlands. Not later than January 15, 1976, the department shall submit a detailed report to the standing ways and means committees, social and health services committees, and judiciary committees relating to the operational policies and procedures at the Firlands facility. Such report shall specifically include substantiated information relating to the department's ability to obtain community involvement and acceptance of the Firland's facility.

(ii) \$85,000 of the general fund appropriation—state shall be expended, pursuant to chapter 81, Laws of 1974 ex. sess. to complete the study called for in the act.

(iii) \$63,750 in the special project category shall be transferred to the department of employment security for completion of a corporate task force on corrections planning study by December 1, 1975, to determine the possibility of a private nonprofit organization participating in administering a pilot adult correctional rehabilitation program. This expenditure authorization is contingent upon the provision of at least \$21,250 in additional funds from six or more major private corporations to assist in completion of this study, the results of which will determine further state participation in the private pilot rehabilitation correctional program.

(5) PROGRAM SUPPORT.

General Fund Appropriation—State	\$ 16,523,369
Total Appropriation.	\$ 16,523,369

The appropriation contained in this subsection shall be subject to the following condition or limitation: The department shall expend not more than 462.1 FTE staff years within the program support category during the 1975-77 biennium.

NEW SECTION. Sec. 52. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR THE JUVENILE REHABILITATION SERVICES PROGRAM

(1) COMMUNITY REHABILITATION SERVICES.

General Fund Appropriation—State	\$ 10,146,411
General Fund Appropriation—Federal	\$ 250,000
Total Appropriation.	\$ 10,396,411

The appropriations contained in this subsection shall be subject to the following conditions and limitations:

(a) The department shall expend not more than 332.3 FTE staff years within the community rehabilitation services category during the 1975-77 biennium.

(b) \$1,263,949 and a staffing level not to exceed 54.0 FTE's shall be expended for continued operation of the current delinquency prevention and control program. The department shall provide, in a report to the standing ways and means committees no later than December 1, 1976, a detailed description of the program goals and objectives, identification of service needs, eligibility criteria for services, work load indicators, and measurements of the program's effectiveness together with an estimated six-year operational plan.

(c) \$251,178 and a staffing level not to exceed 15.0 FTE's shall be expended for the Richland group home during the 1975-77 biennium.

(d) The department shall develop and report to the standing ways and means and social and health services committees by October 1, 1976, a description of operational procedures and cost structures relating to juvenile group homes.

(2) INSTITUTIONAL REHABILITATION SERVICES.

General Fund Appropriation—State	\$ 15,530,871
Total Appropriation.	\$ 15,530,871

The appropriation contained in this subsection shall be subject to the following conditions and limitations:

(a) The department shall expend not more than 1,117.3 FTE staff years within the institutional rehabilitation services category during the 1975-77 biennium.

(b) \$36,710 and a staffing level not to exceed 4.0 FTE's shall be expended for additional night security at Cedar Creek and Mission Creek youth camps.

(c) It is the intent of the legislature that \$2,643,772 and a staffing level of 207.3 FTE's shall be expended for the continued operation of the Green Hill juvenile facility.

(d) The department is authorized to provide child welfare services to a person who at the time of attaining the age of eighteen years is receiving such services pursuant to chapter 74.13 RCW and who is attending school through the completion of the recipient's high school program but in no event shall such services be extended beyond the age of twenty-one years.

(3) SPECIAL PROJECTS.

General Fund Appropriation—Federal	\$ 248,479
Total Appropriation.	\$ 248,479

The appropriation contained in this subsection shall be subject to the following condition or limitation: The department shall expend not more than 11.8 FTE staff years within the special projects category during the 1975-77 biennium for expansion of community diagnostic services.

(4) PROGRAM SUPPORT.

General Fund Appropriation—State	\$ 9,551,227
General Fund Appropriation—Federal	\$ 49,600
Total Appropriation.	\$ 9,600,827

The appropriations contained in this subsection shall be subject to the following conditions and limitations:

(a) The department shall expend not more than 437.4 FTE staff years within the program support category during the 1975-77 biennium.

(b) \$1,769,677 (including \$7,200 from federal funds) and the staffing level of 78.4 FTE shall be expended for continued operation of Green Hill Juvenile facility.

NEW SECTION. Sec. 53. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR THE MENTAL HEALTH PROGRAM

(1) COMMUNITY REHABILITATION SERVICES

General Fund Appropriation—State	\$ 25,458,449
General Fund Appropriation—Federal	\$ 6,446,194
General Fund Appropriation—Local	\$ 260,000
Total Appropriation.	\$ 32,164,643

The appropriations contained in this subsection shall be subject to the following conditions and limitations:

(a) The department shall expend not more than 62.0 FTE staff years within the community rehabilitation services category during the 1975-77 biennium.

(b) Not later than January 1, 1976, the department shall submit a report to the standing ways and means committees, social and health services committees, and the office of program planning and fiscal management on each community mental health facility which receives state funds and each such report shall contain the following information:

- (i) The managing authority;
- (ii) Treatment services offered;
- (iii) Criteria for treatment services;
- (iv) Criteria for client eligibility;
- (v) Total number of individual clients requesting services;
- (vi) Total number of individuals receiving services by type of service rendered;
- (vii) Priority of treatment and clients;
- (viii) Fee structure;
- (ix) Itemized revenue by source;
- (x) Itemized positions compensated for and the respective amounts received by:

(A) salary or wages; (B) personal service contracts; or (C) fees for services rendered; and

(xi) A summary of expenditures to date.

(c) \$16,616,151 shall be expended for community mental health grants. Not later than October, 1976, the department shall furnish proposed standards for community mental health facilities to the standing ways and means committees, social and health services committees, and the office of program planning and fiscal management.

(d) \$5,720,225 shall be expended to fund costs incurred by counties in their administration of the civil commitment act.

(e) \$1,359,327 and 2.2 FTE staff years shall be utilized to maintain current level in the alcoholism program.

(2) INSTITUTIONAL REHABILITATIVE SERVICES.

General Fund Appropriation—State	\$ 21,314,971
Total Appropriation.	\$ 21,314,971

The appropriation contained in this subsection shall be subject to the following condition or limitation: The department shall expend not more than 1,792.2 FTE staff years within the institutional rehabilitative services category during the 1975-77 biennium.

(3) SPECIAL PROJECTS.

General Fund Appropriation—State	\$ 1,053,690
General Fund Appropriation—Federal	\$ 50,000
Total Appropriation.	\$ 1,103,690

The appropriations contained in this subsection shall be subject to the following conditions and limitations:

(a) The department shall expend not more than 16.0 FTE staff years within the special projects category during the 1975-77 biennium.

(b) \$1,053,690 shall be for the establishment of long-term chronic alcoholism treatment centers. Not later than December 31, 1976, the department shall furnish the standing ways and means committees, the social and health services committees, and the office of program planning and fiscal management the following data on each facility receiving a portion of such funds through grants:

(i) Local agency responsible;

(ii) Total individual clients requesting or referred for services and the total number of those receiving treatment;

(iii) Criteria for client eligibility;

(iv) Total number of individual clients who repeat treatment;

(v) Treatment services offered and the criteria for treatment;

(vi) The priorities of treatment and clients;

(vii) Fee structure;

(viii) Itemized revenue by source;

(ix) Itemized positions compensated for and the respective amounts received by:

(A) Salary or wages; (B) personal service contracts; or (C) fees for services rendered; and

(x) A summary of expenditures through October, 1976.

(4) PROGRAM SUPPORT.

General Fund Appropriation—State	\$ 12,423,857
Total Appropriation.	\$ 12,423,857

The appropriation contained in this subsection shall be subject to the following condition or limitation: The department shall expend not more than 657.2 FTE staff years within the program support category during the 1975-77 biennium.

NEW SECTION. Sec. 54. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR THE DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES.

General Fund Appropriation—State	\$ 9,691,109
General Fund Appropriation—Federal	\$ 7,050,294
General Fund Appropriation—Local	\$ 40,896
Total Appropriation.	\$ 16,782,299

The appropriations contained in this subsection shall be subject to the following conditions and limitations:

(a) The department shall expend not more than 163.0 FTE staff years within the community services category during the 1975-77 biennium.

(b) \$1,176,142 shall be utilized to increase group homes and developmental center vendor rates.

(c) Not later than October 1, 1976, the department shall furnish the standing ways and means committees, the social and health services committees, and the office of program planning and fiscal management with the following information for each developmental disability group home and center receiving state funds:

- (i) Management responsibility;
- (ii) Care and rehabilitative programs available and their criteria;
- (iii) Criteria for eligibility;
- (iv) Persons served;
- (v) Detailed source of revenue;
- (vi) Itemized positions compensated for and the respective amounts received by:

(A) Salary and wages; (B) personal service contracts; and (C) fees for services rendered; and

(vii) Summary of expenditures through August, 1976.

(d) \$95,000 (including \$45,000 from federal funds) shall be expended to fund the construction of a residential hall at the Antonian Home for Special Children.

(e) Not later than October 1, 1976, the department shall furnish proposed standards for developmental disability centers and group homes to the standing ways and means committees, the social and health services committees, and the office of program planning and fiscal management.

(f) Holly Ridge Developmental Center shall continue to be provided with facilities at Olympic Center without rental or lease cost for space utilized by such program.

(g) A program for home aide services shall be initiated by the expenditure of \$760,000

(2) INSTITUTIONAL REHABILITATION SERVICES.

General Fund Appropriation—State	\$ 48,129,418
Total Appropriation.	\$ 48,129,418

The appropriation contained in this subsection shall be subject to the following conditions and limitations:

(a) The department shall expend not more than 4,148.6 FTE staff years within the institutional rehabilitation services category during the 1975-77 biennium.

(b) \$2,139,489 and increased staff authorization not to exceed 175.0 FTE's shall be utilized to expand institutional staff levels.

(3) SPECIAL PROJECTS.

General Fund Appropriation—State	\$ 284,236
General Fund Appropriation—Federal	\$ 4,947,157
Total Appropriation.	\$ 5,231,393

The appropriations contained in this subsection shall be subject to the following conditions and limitations:

(a) The department shall expend not more than 128.6 FTE staff years within the special projects category during the 1975-77 biennium.

(b) \$250,000 or as much thereof as shall be required, may be expended for the development of a phased comprehensive plan related to the implementation of state group homes and developmental disability training centers. This plan shall include, but not be limited to, the following:

- (i) Location;
- (ii) Preliminary floor and layout plans;
- (iii) Projected staffing and operational cost requirements;
- (iv) Cost estimates and projections;
- (v) Criteria for resident assignment;
- (vi) Relationship to institutions; and

(vii) Initial and future management responsibility.

(4) PROGRAM SUPPORT.

General Fund Appropriation—State	\$ 27,675,704
Total Appropriation.	\$ 27,675,704

The appropriation contained in this subsection shall be subject to the following conditions and limitations:

(a) The department shall expend not more than 1,481.5 FTE staff years within the program support category during the 1975-77 biennium.

(b) \$125,244 and 12.0 FTE staff years shall be utilized to expand institutional program support staff levels.

NEW SECTION. Sec. 55. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR THE VETERANS' SERVICE PROGRAM

(1) COMMUNITY SERVICES.

General Fund Appropriation—State	\$ 1,158,074
Total Appropriation.	\$ 1,158,074

The appropriation contained in this subsection shall be subject to the following conditions and limitations:

(a) The department shall expend not more than 30.0 FTE staff years within the community services category during the 1975-77 biennium.

(b) It is the intent of the legislature that the department continue four state offices and shall continue its present program of service provision through both state and contract offices at least at the current level of operation.

(2) INSTITUTIONAL REHABILITATIVE SERVICES.

General Fund Appropriation—State	\$ 3,462,329
General Fund Appropriation—Local	\$ 675,790
Total Appropriation.	\$ 4,138,119

The appropriations contained in this subsection shall be subject to the following conditions and limitations:

(a) The department shall expend not more than 332.1 FTE staff years within the institutional rehabilitative services category during the 1975-77 biennium.

(b) \$773,429 and additional staff not to exceed 45.4 FTE's shall be expended to upgrade the veteran homes nursing components to skilled nursing home status.

(c) \$45,000 shall be expended in the purchase of equipment.

(d) \$50,943 and 6.0 FTE staff years shall be expended to provide support services formerly paid for by the residents' welfare fund.

(e) It is the intent of the legislature that the department of social and health services shall not phase out domiciliary care in the Veterans' Home at Retsil and the Soldiers' Home and Colony at Orting. Nothing in this condition shall preclude the department from moving residents between nursing and domiciliary care in order to better utilize facilities.

(f) The department of social and health services shall promulgate rules and regulations pursuant to chapter 34.04 RCW not later than October 1, 1975, which shall define eligibility standards for membership in the Washington Veterans' and Soldiers' homes. Such rules and regulations shall include a definition of "allowable income". The allowable income of members accepted for membership shall not be decreased below \$140.00 per month during periods that such members are being provided care.

All income of members of the Veterans' Home in excess of allowable income shall be deposited in the Veterans' Home Revolving Fund which is hereby created. Disbursements from the revolving fund shall be for the welfare and benefit of all members of the Veterans' Home and such disbursements shall be on authorization of the superintendent of the home or his duly authorized representative after approval has been received from a duly constituted body representative of the members. In order to maintain an effective expenditure and revenue control the Veterans' Home Revolving Fund shall be subject in all respects to chapter 43.88 RCW but no appropriation shall be required to permit expenditures from such fund.

All income of members of the Soldiers' Home in excess of allowable income shall

be deposited in the Soldiers' Home Revolving Fund which is hereby created. Disbursements from the revolving fund shall be for the welfare and benefit of all members of the Soldiers' Home and such disbursements shall be on authorization of the superintendent of the home or his duly authorized representative after approval has been received from a duly constituted body representative of the members. In order to maintain an effective expenditure and revenue control the Soldiers' Home Revolving Fund shall be subject in all respects to chapter 43.88 RCW but no appropriation shall be required to permit expenditures from such fund.

(3) PROGRAM SUPPORT.

General Fund Appropriation—State \$ 4,583,186
Total Appropriation. \$ 4,583,186

The appropriation contained in this subsection shall be subject to the following conditions and limitations:

(a) The department shall expend not more than 300.9 FTE staff years within the program support category during the 1975-77 biennium.

(b) \$62,303 and additional staff not to exceed 4.0 FTE's shall be expended to provide additional guardianship services.

(c) \$98,511 and 7.3 FTE staff years shall be expended to provide support services formerly paid for by the residents' welfare fund.

(d) \$70,259 shall be expended in the purchase of equipment and inventories.

NEW SECTION. Sec. 56. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR THE INCOME MAINTENANCE PROGRAM

(1) MAINTENANCE GRANTS.

General Fund Appropriation—State \$174,588,501
General Fund Appropriation—Federal \$150,087,199
Total Appropriation. \$324,675,700

The appropriations contained in this subsection shall be subject to the following conditions and limitations:

(a) It is the intent of the legislature that \$48,709,432 (including \$15,661,413 from federal funds) shall be utilized for the purpose of upgrading maintenance grant standards by ten percent for the 1975-77 biennium.

(b) The department shall develop revised program standards for continuing general assistance after first developing adequate caseload profile information including, but not limited to:

(i) Medical determination of physical or mental disabilities;

(ii) Stringent eligibility criteria associated with emotional, alcoholism, or drug connected cases;

(iii) Adequate evaluation of treatment programs; and

(iv) An approval process for such treatment programs.

In addition, the department shall submit such proposed revised standards, with control systems and cost estimates to the standing ways and means committees and the office of program planning and fiscal management, together with substantiating data relating actual versus estimated caseloads, no later than December 1, 1975.

(c) Monthly reporting of earned income and twice monthly payments to grant recipients shall be implemented. The twice monthly grant payments shall be implemented on a phased basis.

(d) In order to provide a partial solution to the pending issues inherent in the continuing general assistance grant caseloads, it is the intent of the legislature that the department make all possible efforts to transfer up to 600 general assistance grant recipients to the CETA programs.

(e) \$1,620,366 shall be expended to continue the provision of general assistance to needy unemployment compensation recipients.

(2) INTERMEDIATE CARE FACILITIES.

General Fund Appropriation—State \$ 12,284,937
General Fund Appropriation—Federal \$ 13,743,056
Total Appropriation. \$ 26,027,993

The appropriations contained in this subsection shall be subject to the following conditions and limitations:

(a) \$15,365,628 (including \$8,153,002 from federal funds) shall be expended in the screening and transfer of SNF patients to intermediate care facilities.

(b) It is the intent of the legislature that the department shall exercise all administrative alternatives and every effort shall be made in state-supported nursing home care programs to preclude the move of a patient from a skilled nursing facility to an intermediate care facility unless an intermediate care facility is available in the community where such patient presently resides.

(c) \$1,623,281 (including \$828,425 from federal funds) shall be utilized for an inflationary increase to ICF vendor rates.

(3) OTHER ASSISTANCE.

General Fund Appropriation—State	\$ 4,607,158
General Fund Appropriation—Federal	\$ 164,105
Total Appropriation.	\$ 4,771,263

The appropriations contained in this subsection shall be subject to the following conditions and limitations:

(a) The department shall expend not more than 85.1 FTE staff years within the other assistance category during the 1975-77 biennium.

(b) \$328,309 and 47.5 FTE's shall be utilized for additional food stamp sales clerks.

(c) \$255,684 shall be utilized for inflationary increases in burial vendor rates.

(d) \$497,121 shall be expended for increased food stamp expenses resulting from the implementation of twice monthly grant payments.

(4) ELIGIBILITY DETERMINATION.

General Fund Appropriation—State	\$ 9,292,915
General Fund Appropriation—Federal	\$ 16,957,399
Total Appropriation.	\$ 26,250,314

The appropriations contained in this subsection shall be subject to the following conditions and limitations:

(a) The department shall expend not more than 1,816.1 FTE staff years within the eligibility determination category during the 1975-77 biennium.

(b) \$1,069,676 (including \$400,380 from federal funds) and 95.0 FTE's shall be utilized for twice monthly grant payment support in local offices.

(c) \$344,665 (including \$129,007 from federal funds) and 30.6 FTE's shall be utilized for monthly reporting of earned income at local offices.

(d) \$433,395 and 19.0 FTE's shall be utilized in examination of general assistance medical applicants to determine categorical relationship to SSI.

(e) \$388,209 from federal funds and 13.2 FTE staff years shall be utilized for workload increases in the disability insurance section.

(5) SPECIAL PROJECTS.

General Fund Appropriation—Federal	\$ 13,354,317
Total Appropriation.	\$ 13,354,317

(6) PROGRAM SUPPORT.

General Fund Appropriation—State	\$ 13,714,758
General Fund Appropriation—Federal	\$ 7,748,574
Total Appropriation.	\$ 21,463,332

The appropriations contained in this subsection shall be subject to the following conditions and limitations:

(a) The department shall expend not more than 1,399.2 FTE staff years within the program support category during the 1975-77 biennium.

(b) \$58,502 (including \$20,148 from federal funds) and a staffing level not to exceed 5.7 FTE's shall be expended for staffing at the Puyallup office.

(c) \$566,310 (including \$195,034 from federal funds) and 43.4 FTE's shall be utilized for clerical support and postage for twice monthly grant payments.

(d) \$140,107 (including \$48,252 from federal funds) and 14.0 FTE's shall be utilized for clerical support for the monthly reporting of earned income.

NEW SECTION. Sec. 57. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR COMMUNITY SOCIAL SERVICES PROGRAM

Not later than October 1, 1976, the department shall report to the standing ways and means committees and the social and health services committees the following information relating to the retained community social services: The type of service and each local office rendering such service; determination of the clientele for each type of service; the total number of persons referred for services for each type of service; and the total number of persons receiving services for each type of service offered.

Priority utilization of homemakers shall be made when such service is related to employment to a grant recipient or to retention of an individual in a home environment.

(1) FAMILY AND CHILDREN SERVICES.

General Fund Appropriation—State	\$ 35,884,666
General Fund Appropriation—Federal	\$ 45,011,856
General Fund Appropriation—Local	\$ 500,000
Total Appropriation.	\$ 81,396,522

The appropriations contained in this subsection shall be subject to the following conditions and limitations:

(a) The department shall expend not more than 2,002.6 FTE staff years within the family and children services category during the 1975-77 biennium.

(b) The department shall retain its volunteer coordinators at 40 FTE's during the 1975-77 biennium.

(c) \$1,580,183 (including \$1,097,912 from federal funds) and a staffing level of 168.0 FTE's shall be utilized to expand Homemaker Services.

(d) \$1,465,201 (including \$166,536 from federal funds) shall be utilized for child care services.

(e) An additional \$859,409 (including \$597,117 from federal funds) and a staffing level not to exceed 48.0 FTE's shall be expended for increased childrens protective services.

(f) \$6,694,762 (including \$3,156,396 from federal funds) shall be expended for increased vendor rates.

(g) \$1,316,939 (including \$1,185,245 from federal funds) shall be expended for increased family planning services.

(2) ADULT SERVICES.

General Fund Appropriation—State	\$ 2,050,273
General Fund Appropriation—Federal	\$ 13,564,361
Total Appropriation.	\$ 15,614,634

The appropriations contained in this subsection shall be subject to the following conditions and limitations:

(a) The department shall expend not more than 517.2 FTE staff years within the adult services category during the 1975-77 biennium.

(b) \$294,458 (including \$204,589 from federal funds) and a staffing level of 36.0 FTE's shall be utilized to expand Homemaker Services.

(3) SPECIAL PROJECTS.

General Fund Appropriation—Federal	\$ 390,684
Total Appropriation.	\$ 390,684

The appropriation contained in this section shall be subject to the following condition or limitation: \$390,684 of federal funds and a staffing level not to exceed 6.0 FTE's shall be expended to implement the senior companion program as a special project. Not later than October 1, 1976, the department shall report the progress of such project to the standing ways and means committees and the social and health services committees.

(4) PROGRAM SUPPORT.

General Fund Appropriation—State	\$ 3,916,492
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General Fund Appropriation—Federal	\$ 10,716,377
Total Appropriation.	\$ 14,632,869

The appropriations contained in this subsection shall be subject to the following conditions and limitations:

(a) The department shall expend not more than 609.1 FTE staff years within the program support category during the 1975-77 biennium.

(b) An additional \$168,047 (including \$120,993 from federal funds) and a staffing level not to exceed 24.0 FTE's shall be expended for increased protective child services.

(c) 8.3 FTE staff years and not more than \$85,753 (including \$62,275 from federal funds) shall be expended for staffing at the Puyallup local office.

NEW SECTION. Sec. 58. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR THE MEDICAL ASSISTANCE PROGRAM

(1) GENERAL MEDICAL ASSISTANCE.

General Fund Appropriation—State	\$195,616,993
General Fund Appropriation—Federal	\$196,553,001
Total Appropriation.	\$392,169,994

The appropriations contained in this subsection shall be subject to the following conditions and limitations:

(a) \$6,593,274 (including \$2,799,355 from federal funds) may be expended for caseload increases in medical assistance grants.

(b) \$33,416,041 (including \$16,661,392 from federal funds) shall be expended for vendor rate adjustments for inflation.

(c) \$2,133,560 (including \$1,133,560 from federal funds) may be expended for expansion of the early periodic screening, detection, and treatment program for children.

(d) The department shall continue the hospital length to stay at the seventy-fifth percentile of the national professional activity survey (PAS) standards.

(e) The department of social and health services shall develop a plan for expanding the enrollment of medical assistance recipients in health maintenance organizations (HMO's). Health maintenance organizations shall be defined as any organization which provides comprehensive health care services directly to enrolled participants of such organization on a group practice per capita prepayment basis. The plan to be developed shall include a pilot project to provide for an expanded enrollment of medical assistance recipients in health maintenance organizations in four counties, consisting of Snohomish, King, Pierce, and Thurston. The goal will be to increase enrollment by at least 10,000 additional medical assistance recipients during the 1975-77 biennium.

(2) PREVENTION OF BLINDNESS ASSISTANCE.

General Fund Appropriation—State	\$ 926,364
General Fund Appropriation—Federal	\$ 902,991
Total Appropriation.	\$ 1,829,355

The appropriations contained in this subsection shall be subject to the following conditions and limitations:

(a) The department shall expend not more than 5.2 FTE staff years within the prevention of blindness assistance category during the 1975-77 biennium.

(b) \$93,006 (including \$45,461 from federal funds) shall be expended for standards and vendor rate increases.

(3) ELIGIBILITY DETERMINATION.

General Fund Appropriation—State	\$ 2,713,594
General Fund Appropriation—Federal	\$ 2,604,368
Total Appropriation.	\$ 5,317,962

The appropriations contained in this subsection shall be subject to the following condition or limitation: The department shall expend not more than 469.5 FTE staff years within the eligibility determination category during the 1975-77 biennium.

(4) PROGRAM SUPPORT.

General Fund Appropriation—State	\$ 6,161,051
General Fund Appropriation—Federal	\$ 10,156,531

Total Appropriation. \$ 16,317,582

The appropriations contained in this subsection shall be subject to the following conditions and limitations:

(a) The department shall expend not more than 627.0 FTE staff years within the program support category during the 1975-77 biennium.

(b) The department is authorized to enter into a contract for mechanized medicaid payment process (Title XIX) by the expenditure of up to \$5,853,000 (including \$4,-389,750 from federal funds).

(c) \$20,014 (including \$10,920 from federal funds) and 2.0 FTE's shall be expended for the Puyallup local office administration and clinical support.

NEW SECTION. Sec. 59. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR THE PUBLIC HEALTH PROGRAM

(1) HEALTH FACILITIES DEVELOPMENT AND REGULATION.

General Fund Appropriation—State \$ 1,894,512

General Fund Appropriation—Federal \$ 2,359,306

Total Appropriation. \$ 4,253,818

The appropriations contained in this subsection shall be subject to the following conditions and limitations:

(a) The department shall expend not more than 186.0 FTE staff years within the health facilities development and regulation category during the 1975-77 biennium.

(b) \$187,364 (including \$140,525 from federal funds) and an additional staffing level not to exceed 13.0 FTE's shall be expended in the expansion of licensing and certification.

(2) ENVIRONMENTAL HEALTH IMPROVEMENT.

General Fund Appropriation—State \$ 2,211,172

General Fund Appropriation—Federal \$ 528,435

Total Appropriation. \$ 2,739,607

The appropriations contained in this subsection shall be subject to the following conditions and limitations:

(a) The department shall expend not more than 176.8 FTE staff years within the environmental health improvement category during the 1975-77 biennium.

(b) \$29,576 and a staffing level not to exceed 2.0 FTE's shall be expended for transient accommodation inspection and pesticide laboratory.

(3) COMMUNITY HEALTH IMPROVEMENT.

General Fund Appropriation—State \$ 6,994,392

General Fund Appropriation—Federal \$ 12,654,461

Total Appropriation. \$ 19,648,853

The appropriations contained in this subsection shall be subject to the following conditions and limitations:

(a) The department shall expend not more than 190.0 FTE staff years within the community health improvement category during the 1975-77 biennium.

(b) \$141,640 from federal funds and a staffing level not to exceed 6.0 FTE's shall be expended for workload increases in maternal child health services.

(c) \$300,000 shall be expended for additional grants to counties for immunization supplies.

(d) \$1,396,000 (including \$976,955 from federal funds) shall be expended for added services in maternal and child health programs.

(4) LOCAL HEALTH PROGRAM DEVELOPMENT.

General Fund Appropriation—State \$ 264,706

General Fund Appropriation—Federal \$ 2,425,000

Total Appropriation. \$ 2,689,706

The appropriations contained in this subsection shall be subject to the following condition and limitation: The department shall expend not more than 36.0 FTE staff years within the local health program development category during the 1975-77 biennium.

(5) SPECIAL PROJECTS.

General Fund Appropriation—Federal	\$ 18,001,726
Total Appropriation.	\$ 18,001,726

The appropriation contained in this subsection shall be subject to the following conditions and limitations:

(a) The department shall expend not more than 49.0 FTE staff years within the special projects category during the 1975-77 biennium.

(b) \$15,357 and 1.0 FTE shall be expended to conduct a special project on wood-working industry mortality.

(6) PROGRAM SUPPORT.

General Fund Appropriation—State	\$ 2,960,390
General Fund Appropriation—Federal	\$ 339,022
Total Appropriation.	\$ 3,299,412

The appropriations contained in this subsection shall be subject to the following conditions and limitations:

(a) The department shall expend not more than 181.0 FTE staff years within the program support category during the 1975-77 biennium.

(b) \$145,290 and a staffing level not to exceed 9.0 FTE's shall be expended for workload increases in vital statistics and laboratory services.

NEW SECTION. Sec. 60. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR THE VOCATIONAL REHABILITATION PROGRAM

(1) REHABILITATION SERVICES—GENERAL.

General Fund Appropriation—State	\$ 1,534,771
General Fund Appropriation—Federal	\$ 23,767,707
Total Appropriation.	\$ 25,302,478

The appropriations contained in this subsection shall be subject to the following conditions and limitations:

(a) The department shall expend not more than 577.9 FTE staff years within the rehabilitation services—general category during the 1975-77 biennium.

(b) \$1,501,386 (including \$1,410,316 from federal funds) shall be expended for increased client training services.

(2) REHABILITATION FACILITIES AND SHELTERED WORKSHOPS.

General Fund Appropriation—State	\$ 1,574,810
General Fund Appropriation—Federal	\$ 6,404,607
General Fund Appropriation—Local	\$ 964,440
Total Appropriation.	\$ 8,943,857

The appropriations contained in this subsection shall be subject to the following condition or limitation: The department shall expend not more than 36.8 FTE staff years within the rehabilitation facilities and sheltered workshops category during the 1975-77 biennium.

(3) REHABILITATIVE SERVICES FOR THE BLIND.

General Fund Appropriation—State	\$ 718,415
General Fund Appropriation—Federal	\$ 2,909,346
Total Appropriation.	\$ 3,627,761

The appropriations contained in this subsection shall be subject to the following conditions and limitations:

(a) The department shall expend not more than 90.8 FTE staff years within the rehabilitative services for the blind category during the 1975-77 biennium.

(b) Not less than \$474,000 (including \$270,000 from federal funds) shall be expended for services to the blind and physically handicapped by reimbursing the state library for providing such services.

(4) SPECIAL PROJECTS.

General Fund Appropriation—State	\$ 336,850
General Fund Appropriation—Federal	\$ 2,806,666
Total Appropriation.	\$ 3,143,516

The appropriations contained in this subsection shall be subject to the following condition or limitation: The department shall expend not more than 20.0 FTE staff years within the special projects category during the 1975-77 biennium.

(5) PROGRAM SUPPORT.

General Fund Appropriation—State	\$ 199,726
General Fund Appropriation—Federal	\$ 798,907
Total Appropriation.	\$ 998,633

The appropriations contained in this subsection shall be subject to the following condition or limitation: The department shall expend not more than 32.0 FTE staff years within the program support category during the 1975-77 biennium.

NEW SECTION. Sec. 61. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR ADMINISTRATION AND SUPPORTING SERVICES PROGRAM

(1) GENERAL ADMINISTRATION.

General Fund Appropriation—State	\$ 5,082,245
General Fund Appropriation—Federal	\$ 3,181,567
Total Appropriation.	\$ 8,263,812

The appropriations contained in this subsection shall be subject to the following condition and limitation: The department shall expend not more than 335.0 FTE staff years within the general administration category during the 1975-77 biennium.

(2) PERSONNEL.

General Fund Appropriation—State	\$ 1,868,179
General Fund Appropriation—Federal	\$ 1,169,509
Total Appropriation.	\$ 3,037,688

The appropriations contained in this section shall be subject to the following condition or limitations: The department shall expend not more than 150.0 FTE staff years within the personnel category during the 1975-77 biennium.

(3) INFORMATION SYSTEMS.

General Fund Appropriation—State	\$ 6,713,530
General Fund Appropriation—Federal	\$ 4,179,205
Total Appropriation.	\$ 10,892,735

The appropriations contained in this subsection shall be subject to the following conditions and limitations:

(a) The department shall expend not more than 570.0 FTE staff years within the information systems category during the 1975-77 biennium.

(b) \$562,073 (including \$224,829 from federal funds) and a staffing level not to exceed 30.0 FTE's shall be expended to upgrade information systems.

(c) \$343,774 (including \$137,510 from federal funds) and a staffing level not to exceed 30.0 FTE staff years shall be expended for workload increases.

(d) \$413,530 (including \$165,413 from federal funds) shall be expended for twice-monthly payments.

(4) COLLECTIONS AND DISBURSEMENTS.

General Fund Appropriation—State	\$ 4,855,873
General Fund Appropriation—Federal	\$ 3,257,739
Total Appropriation.	\$ 8,113,612

The appropriations contained in this subsection shall be subject to the following conditions and limitations:

(a) The department shall expend not more than 569.1 FTE staff years within the collections and disbursements category during the 1975-77 biennium.

(b) \$672,151 (including \$268,861 from federal funds) and a staffing level not to exceed 52.6 FTE's shall be expended for increased workload.

(c) \$358,673 (including \$143,470 from federal funds) and 28.5 FTE's shall be utilized for increased nonassistance support collection.

(5) OPERATING AND FISCAL AUDIT SERVICES.

General Fund Appropriation—State	\$ 4,444,599
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General Fund Appropriation—Federal	\$ 2,772,214
Total Appropriation.	\$ 7,216,813

The appropriations contained in this subsection shall be subject to the following conditions and limitations:

(a) The department shall expend not more than 386.0 FTE staff years within the operating and fiscal audit services category during the 1975-77 biennium.

(b) \$678,362 (including \$261,169 from federal funds) and a staffing level not to exceed 36.0 FTE's shall be expended for increased nursing home auditors.

(c) \$705,478 (including \$271,609 from federal funds) and a staffing level not to exceed 28.0 FTE's shall be expended for increased performance and fiscal audit teams.

(d) \$272,466 (including \$108,987 from federal funds) and a staffing level not to exceed 18.0 FTE's shall be expended for increased fraud investigators.

(e) \$205,980 (including \$82,392 from federal funds) and 12.0 FTE's shall be utilized for increased operational review.

(f) \$349,805 (including \$139,922 from federal funds) and 18.0 FTE's shall be expended for increased audit staff.

(6) FISCAL SERVICES.

General Fund Appropriation—State	\$ 4,341,996
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General Fund Appropriation—Federal	\$ 2,711,199
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Total Appropriation.	\$ 7,053,195
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The appropriations contained in this subsection shall be subject to the following conditions and limitations:

(a) The department shall expend not more than 479.8 FTE staff years within the fiscal services category during the 1975-77 biennium.

(b) \$429,650 and 28.0 FTE staff years (including \$171,860 from federal funds) shall be expended for increased accounting workload.

(7) SPECIAL PROJECTS.

General Fund Appropriation—Federal	\$ 6,611,187
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Total Appropriation.	\$ 6,611,187
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The appropriation contained in this subsection shall be subject to the following condition or limitation: The department shall expend not more than 65.0 FTE staff years within the special projects category during the 1975-77 biennium.

(8) PROGRAM SUPPORT.

General Fund Appropriation—State	\$ 5,586,473
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General Fund Appropriation—Federal	\$ 3,701,822
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Total Appropriation.	\$ 9,288,295
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The appropriations contained in this subsection shall be subject to the following conditions and limitations:

(a) The department shall expend not more than 455.8 FTE staff years within the program support category during the 1975-77 biennium.

(b) \$424,975 (including \$163,615 from federal funds) and a staffing level not to exceed 16.0 FTE's shall be expended for industrial engineers.

(c) \$315,577 (including \$126,231 from federal funds) and 19.0 FTE's shall be expended for increased quality control in SSI and Title XIX and for standard setting and program analysis.

(d) \$764,940 (including \$430,211 from federal funds) and 48.8 FTE's shall be expended for augmenting productivity efforts.

(e) \$171,176 (including \$68,470 from federal funds) shall be expended for twice-monthly payment support.

NEW SECTION. Sec. 62. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—CONTINGENCY FUNDS.

It is the intent of the legislature that the appropriations contained within this section shall be for the described purposes but shall not be expended or encumbered without the specific approval of the legislative budget committee or its statutory successor.

(1) FOR AN ADULT CORRECTIONS PROGRAM.

General Fund Appropriation—State	\$ 250,000
General Fund Appropriation—Federal	\$ 750,000
Total Appropriation.	\$ 1,000,000

It is the intent of the legislature that the expenditure of funds appropriated by this subsection shall be for the purpose of developing detailed and comprehensive plans for a department of social and health services adult corrections program delineating, but not limited to, at least the following factors of a "community-based corrections system" for adult offenders:

(a) Detailed plans for the development and phased implementation of an improved classification system that will demonstrate substantial improvements over the present classification system as it relates to the rehabilitation of adult offenders and comprehensive evaluation of public risks and public attitudes regarding plan concepts and location plans involved in the placement of such offenders in the various kinds of correctional facilities and programs envisioned for the new or improved rehabilitation systems to be proposed;

(b) Comprehensive plans illustrating the physical and operational aspects of new or improved correctional facilities involved in the proposed new correctional system;

(c) Plans for the utilization, improvement, or deactivation of existing correctional facilities;

(d) Specific details concerning improvement of or changes in custody, counseling, vocational, educational, work-release, probation and parole or other existing or new rehabilitation programs that will be included in the new correctional system; and

(e) Time-phasing and costs and program benefit evaluation of the above or other components of the system plan.

A segment on "Community Participation: Plans, Policy, and Procedures" is to be included in the report. The department shall describe in a detailed manner the procedures and steps to be used to insure that community participation shall assure the legislature that community involvement and acceptance will be an integral part of proposed community based correction centers.

The legislature recognizes the need to improve the adult corrections program so that offenders against the society of our state can be returned to society as productive and compatible members of that society. While the benefits of such improvements are apparent, the risks and costs of such improvements must be clearly defined and understood as a responsibility of the legislature to the nonoffender public.

The department of social and health services shall formulate a proposal to develop a system plan to include the items outlined in this section and shall present its recommendations to the legislative budget committee or its statutory successor for approval no later than September 1, 1975, and prior to the release of funds appropriated in this section.

(2) MENTAL HEALTH PROGRAM—COMMUNITY REHABILITATIVE SERVICES.

General Fund Appropriation—State	\$ 629,693
General Fund Appropriation—Federal	\$ 3,222,682
Total Appropriation.	\$ 3,852,375

The department shall develop a standards program for community mental health organizations receiving any state funds that shall include, but not be limited to, treatment criteria, client and treatment priorities, eligibility criteria, program and account definitions, a client cost sharing formula, and a six year program plan. The standards program shall be submitted to the legislative budget committee or its statutory successor for review and approval prior to release of any amount of the funds appropriated by this subsection for grant increases.

It is the intent of the legislature that to the maximum extent possible, the mental health programs provided by the community mental health organizations, whether funded pursuant to this section or any other section of this budget or from any other source whatever, shall be controlled and developed by the local organizations and that

the department of social and health services shall assume no more control or direction over such programs that are provided for by statutes or are contained in this act.

(3) DEVELOPMENTAL DISABILITIES PROGRAM—COMMUNITY SERVICES.

General Fund Appropriation—State	\$ 3,199,424
Total Appropriation.	\$ 3,199,424

The department shall develop a standards program for group homes and developmental centers including, but not limited to, the various aspects of treatment, facilities criteria, other components of care and rehabilitative programs, and a six year program plan. The standards program shall be submitted to the legislative budget committee or its statutory successor for review and approval prior to release of any amount of the funds appropriated by this subsection for grant increases.

(4) INCOME MAINTENANCE—CASELOAD CONTROL.

General Fund Appropriation—State	\$ 7,573,198
General Fund Appropriation—Federal	\$ 7,154,326
Total Appropriation.	\$ 14,727,524

The department shall develop a program to regularly monitor productivity and performance of staff and procedures related to eligibility determination and program performance measurements. This program shall include but not be limited to, a management information system that provides early visibility of caseload changes and related eligibility activity, vendor performance, and procedures and policies for management decision and response. The department shall submit its management plan to the legislative budget committee or its statutory successor for approval prior to the release of any amount of the funds appropriated by this subsection or utilization of FTE staff years authorized by this subsection. The legislative budget committee or its statutory successor may approve not more than 114.7 FTE staff years to carry out the provisions of this subsection.

(5) INCOME MAINTENANCE—MAINTENANCE GRANTS.

General Fund Appropriation—State	\$ 1,105,982
General Fund Appropriation—Federal	\$ 242,159
Total Appropriation.	\$ 1,348,141

It is the intent of the legislature that the expenditure of funds appropriated by this subsection shall only be permitted if:

(a) The projected reductions in caseload resulting from improvement in SSI procedures is not realized; and

(b) Approval for release of any portion of funds appropriated by this subsection is received from the legislative budget committee or its statutory successor.

(6) COMMUNITY SOCIAL SERVICES—CASELOAD CONTROL.

General Fund Appropriation—State	\$ 1,535,436
General Fund Appropriation—Federal	\$ 1,321,047
Total Appropriation.	\$ 2,856,483

The department shall develop a program to regularly monitor productivity and performance of staff and procedures related to eligibility determination and program performance measurements. This program shall include, but not be limited to, a management information system that provides early visibility of caseload changes and related eligibility activity, vendor performance, and procedures and policies for management decision and response. The department shall submit its management plan to the legislative budget committee or its statutory successor for approval prior to the release of any amount of the funds appropriated by this subsection.

(7) COMMUNITY SOCIAL SERVICES—FAMILY AND CHILDREN SERVICES.

General Fund Appropriation—State	\$ 1,228,865
General Fund Appropriation—Federal	\$ 191,123
Total Appropriation.	\$ 1,419,988

It is the intent of the legislature that the expenditure of funds appropriated by this subsection shall be permitted only if:

(a) The actual experience of the department in realizing projected reductions in foster care caseload necessitates such expenditure; and

(b) Approval for release of any portion of funds appropriated by this subsection is received from the legislative budget committee or its statutory successor.

(8) MEDICAL ASSISTANCE—CASELOAD CONTROL.

General Fund Appropriation—State	\$ 10,210,382
General Fund Appropriation—Federal	\$ 10,259,336
Total Appropriation.	\$ 20,469,718

The department shall develop a program to regularly monitor productivity and performance of staff and procedures related to eligibility determination and program performance measurements. This program shall include, but not be limited to, a management information system that provides early visibility of caseload changes and related eligibility activity, vendor performance, and procedures and policies for management decision and response. Additionally, the department shall develop a component of its management plan that will include comprehensive utilization review procedures and regular performance auditing of all vendors. The department shall submit its management plan to the legislative budget committee or its statutory successor for approval prior to the release of any amount of the funds appropriated by this subsection or utilization of FTE staff years authorized by this subsection. The legislative budget committee or its statutory successor may approve not more than 46.7 FTE staff years to carry out the provisions of this subsection.

(9) VOCATIONAL REHABILITATION PROGRAM.

General Fund Appropriation—State	\$ 844,440
Total Appropriation.	\$ 844,440

The department shall submit to the legislative budget committee or its statutory successor a complete description of its efforts to secure maximum local funds, including in-kind matching funds and, if local funds are not sufficient, the reasons for such insufficiency, prior to the release of any amount of the funds appropriated by this subsection. Of the appropriation contained in this subsection not more than \$250,000 may be expended for the support of general rehabilitation services and not more than \$594,440 may be expended for the support of rehabilitation facilities and sheltered workshops.

(10) ADMINISTRATION AND SUPPORTING SERVICES.

General Fund Appropriation—State	6,000,000
General Fund Appropriation—Federal	\$ 6,000,000
Total Appropriation.	\$ 12,000,000

It is the intent of the legislature that the expenditure of funds appropriated by this subsection shall only be permitted if:

(a) Demonstrable efforts are made to control expenditures within a program-category to amounts appropriated; and

(b) Alternatives to the expenditure of funds appropriated by this subsection are considered and presented.

(c) Funds are to be expended for current programs including community mental health programs;

(d) Approval for release of any portion of funds appropriated by this subsection is received from the legislative budget committee or its statutory successor.

NEW SECTION. Sec. 62A. DEPARTMENT OF SOCIAL AND HEALTH SERVICES—REAPPROPRIATIONS

General Fund Reappropriation—State	\$ 6,989,000
General Fund Reappropriation—Federal	\$ 350,952
Total Reappropriation	\$ 7,339,952

The reappropriations contained in this section shall be subject to the following conditions and limitations:

(1) \$6,477,000 shall be for medical services and supplies not in excess of the unexpended balance of the 1973-75 appropriations or allotments for this purpose. Within this amount, the following programs shall be included:

(a) Mental health, \$175,000;

- (b) Income Maintenance, \$2,000;
 - (c) Community social services, \$300,000; and
 - (d) Medical assistance, \$6,000,000.
- (2) \$512,000 shall be for grants to communities for mental retardation construction grants from the developmental disabilities program not in excess of the unexpended balance of the 1973-75 appropriations or allotments for this purpose.
- (3) \$350,952 from federal funds shall be for innovation and expansion projects in the vocational rehabilitation program not in excess of the unexpended balance of the 1973-75 appropriation or allotments for this purpose.

NEW SECTION. Sec. 63. FOR THE PLANNING AND COMMUNITY AFFAIRS AGENCY

General Fund Appropriation—State	\$ 5,412,059
General Fund Appropriation—Federal	\$122,715,237
Total Appropriation.	\$128,127,296

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) Whenever the planning and community affairs agency receives anticipated federal grants which exceed the amount intended for a specific activity by more than fifty thousand dollars or increases the FTE staff years related thereto, then the agency shall not expend such amounts without review by and prior approval of the legislative budget committee.

(2) Whenever the planning and community affairs agency receives federal grants which have not been included in the appropriations contained in this section, then the agency shall not expend such amounts without review by and prior approval of the legislative budget committee.

(3) It is the intent of the legislature that state funds which are appropriated for the specific purpose of matching a federal grant and which are not used for that purpose shall be reverted at the end of the biennium.

(4) Not later than August 15, 1976, the agency shall transmit a list to the standing ways and means committees of all federal moneys received, including unanticipated receipts so noted, as of July 1, 1975, by agency program, category, and organizational unit which list shall include the following information:

- (a) The granting federal agency;
- (b) A brief description and federal reference number, if applicable;
- (c) The specific amount of money received and the purpose for which it is intended;
- (d) The matching requirements; and
- (e) The limiting factors, if any.

Monthly revisions to the list required by this subsection, including unanticipated receipts, shall be provided in the same manner as the original list for the remainder of the fiscal biennium.

(5) Not more than \$1,507,912 (including \$523,245 from federal funds) shall be expended for the administration and support services program.

(6) Not more than \$6,049,511 (including \$5,518,462 from federal funds) shall be expended for the community planning program.

(7) Not more than \$120,569,873 (including \$116,673,530 from federal funds) shall be expended for the human resources planning program.

(8) It is the intent of the legislature that the office of voluntary action shall present a detailed report of its planned activities and its estimated accomplishments during the 1975-77 biennium to the standing ways and means committees on or before January 1, 1976.

(9) It is the intent of the legislature that funds from the appropriations contained in this section shall not be expended to provide for toll-free telephone services.

NEW SECTION. Sec. 64. FOR THE HUMAN RIGHTS COMMISSION

General Fund Appropriation—State	\$ 1,508,984
General Fund Appropriation—Federal	\$ 82,000

General Fund Appropriation—Local	\$ 96,000
Total Appropriation.	\$ 1,686,984

NEW SECTION. Sec. 65. FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS

Accident Fund Appropriation	\$ 988,318
Medical Aid Fund Appropriation	\$ 988,317
Total Appropriation.	\$ 1,976,635

NEW SECTION. Sec. 66. FOR THE WASHINGTON STATE CRIMINAL JUSTICE TRAINING COMMISSION

General Fund Appropriation—State	\$ 394,449
General Fund Appropriation—Federal	\$ 2,281,666
Total Appropriation.	\$ 2,676,115

NEW SECTION. Sec. 67. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund Appropriation—State	\$ 5,396,030
General Fund Appropriation—Federal	\$ 60,000
Accident Fund Appropriation	\$ 18,457,844
Medical Aid Fund Appropriation	\$ 16,577,497
Plumbing Certificate Fund Appropriation.	\$ 74,100
Electrical License Account Appropriation	\$ 3,035,849
Total Appropriation.	\$ 43,601,320

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) It is the intent of the legislature that not more than \$1,200,000 shall be expended for the Automated Records Management Systems (ARMS) under the Industrial Insurance Program, and that the department shall abolish sixty-five positions in the Industrial Insurance Program not later than January 30, 1977, as the result of such implementation of ARMS.

(2) \$786,669 of the general fund appropriation shall be expended, pursuant to chapter 122, Laws of 1973 1st ex. sess. and RCW 7.68.160, for the payment of claims to provide relief for victims of criminal acts committed between January 1, 1972, and July 1, 1974. Of such amount, \$118,408 shall be for administrative and appeals costs based upon the enactment of chapter . . . Laws of 1975 1st ex. sess. (SB 2070).

(3) Upon the enactment of chapter . . . Laws of 1975 1st ex. sess. (ESSB 2408), \$315,743 of the general fund appropriation—state moneys shall be transferred from the department of labor and industries to the public employment relations commission created by such chapter.

NEW SECTION. Sec. 68. FOR THE BOARD OF PILOTAGE COMMISSIONERS

General Fund—Puget Sound Pilotage Account	
Appropriation	\$ 15,490
Total Appropriation.	\$ 15,490

NEW SECTION. Sec. 69. FOR THE BOARD OF PRISON TERMS AND PA-ROLES

General Fund Appropriation	\$ 1,213,444
Total Appropriation.	\$ 1,213,444

NEW SECTION. Sec. 70. FOR THE HOSPITAL COMMISSION

General Fund Appropriation	\$ 517,554
Total Appropriation.	\$ 517,554

NEW SECTION. Sec. 71. FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund Appropriation—State	\$ 2,037,772
General Fund Appropriation—Federal	\$ 43,786,684
Unemployment Compensation Administration Fund	
Appropriation—Federal	\$ 61,979,210

Administrative Contingency Fund Appropriation	\$ 200,000
Total Appropriation.	\$108,003,666

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) \$40,000 of general fund—federal appropriation shall be utilized for services of an additional assistant attorney general.

(2) \$1,000,000 of the state general fund appropriation shall be expended for continuation during the period from July 1, 1975, to June 30, 1976, of the Program for Local Services in which full time, stipended volunteers shall spend one year in service to local government agencies and private, nonprofit corporations. The program shall provide recruitment, placement, training, and support of volunteers in nonstaff activities which focus on human, social, and environmental services. A report on the placement of volunteers under this program shall be provided to the legislature not later than January 15, 1976. Federal funds shall be expended in lieu of state funds if such federal funds become available for this program.

(3) \$500,000 of the unemployment compensation administration fund appropriation—federal contained in this section shall be expended by the department under the direction of the commissioner of the employment security department for the purpose of paying for rents and premises of the employment security department and for the purpose of paying the legally authorized and required salaries and fringe benefits to the employees of the employment security department, in the event and to the extent that the United States or its agents fail or refuse to supply sufficient current obligational authority to make such payments to provide needed facilities necessary to carry out the activities of the employment security department of the state of Washington. The amount appropriated pursuant to this subsection during any twelve-month period beginning on July 1, 1975, and ending June 30, 1976, shall not exceed the amount by which (a) the aggregate of the amount credited to the account of this state pursuant to section 903 of the Social Security Act during such twelve-month period and the twenty-four preceding twelve-month periods exceeds (b) the aggregate of the amounts obligated for the administration and paid out for benefits and charged against the amounts credited to the account of the state during such twenty-five twelve-month period.

(4) \$90,000 of the general fund appropriation—state contained in this section shall be expended for the continuation and implementation of an experimental program leading to employment of mentally retarded persons currently in activity centers, sheltered workshops, and group homes or schools for the mentally retarded. This program shall include employment preparation, diagnostic orientation and testing, academic tutoring, social adjustment, orientation to employment and employment relationships, job search and placement, and employer orientation to provide employers of the trainees with an understanding of the unique assets and limitations of the mentally retarded as they relate to employment responsibilities. The program shall provide for financial penalties to the extent that such performance objectives are not met, and a new, competitive bid process be employed which stresses assessment of past performance by interested potential contractors.

A report on the activities and progress of this program shall be made to the standing ways and means committees no later than December 1, 1975, and December 1, 1976, including, but not limited to:

- (a) The contractors assigned;
- (b) The amount and purpose of the contract; and
- (c) A detailed description of services performed.

(5) \$175,000 of the general fund appropriation—state contained in this section shall be expended for the continuation a further development of a program for the delivery of specialized employment services to persons previously convicted of a felony. All offenders receiving parole stipend moneys shall actively participate in preemployment counseling and placement programs approved by the department of employment security and refusal to participate in programs authorized by this subsection shall result in termination of any post release stipend being provided to said felons. The department

shall contract for the development of such a program after calling for competitive bids. Contracts awarded under this subsection shall contain performance specifications and financial penalties to the contractor in the event of nonperformance, and a new, competitive bid process be employed which stresses assessment of past performance by interested potential contractors.

A report on the activities and progress of this program shall be made to the standing ways and means committees no later than December 1, 1975, and December 1, 1976, including, but not limited to:

- (a) The contractors assigned;
 - (b) The amount and purpose of the contract; and
 - (c) A detailed description of services performed.
- (6) \$300,000 of the general fund appropriation—state contained in this section shall be expended for continuation of an ongoing performance oriented program of moving unemployed persons to full time employment: PROVIDED FURTHER, That a new, competitive bid process be employed which stresses assessment of past performance by interested potential contractors.

A report on the activities and progress of this program shall be made to the standing ways and means committees no later than December 1, 1975, and December 1, 1976, including, but not limited to:

- (a) The contractors assigned;
 - (b) The amount and purpose of the contract; and
 - (c) A detailed description of services performed.
- (7) \$150,000 of the general fund appropriation—state and \$600,000 of the general fund appropriation—federal contained in this section shall be expended to implement the intent of the legislature that new and innovative efforts be made to assist, through concentrated and more effective use and coordination of federal, state, and local government training and employment programs, those persons in the state of Washington who are unemployed and who, to again become productively employed, must make career changes or economic, technological, or health reasons. It is also intended that these efforts be concentrated principally toward the utilization of existing government programs and facilities and particularly the CETA programs and related programs and facilities of the departments of social and health services and employment security.

The appropriation contained in this subsection is to fund a pilot program that shall include career change centers that will provide diagnostic services, family, resource and situational counseling, supporting services, job training, and search and placement for the target population.

The department of employment security shall be responsible for contracting and management of this program and other involved state agencies shall provide program and facilities support as determined reasonable and necessary by the department of employment security.

The planning and community affairs agency shall provide to the department of employment security the necessary CETA funds required to implement this program including counties with a population of 100,000 or less.

The career change center component of this program shall be let for competitive bid to qualified private educational and manpower training agencies with the contracts to specify performance criteria and substantial financial penalties for nonperformance.

A report on the activities and progress of this program shall be made to the standing ways and means committees no later than December 1, 1975, and December 1, 1976, including, but not limited to:

- (a) The contractors assigned;
 - (b) The amount and purpose of the contract; and
 - (c) A detailed description of services performed.
- (8) \$75,000 of the general fund appropriation—state shall be expended to implement the intent of the legislature that a program be instituted through contracts with private training schools for the delivery of training and placement services to persons applying at food banks. The contracts for services shall be based on performance cri-

teria with significant penalties for nonperformance, and contractors shall be chosen on a competitive basis by the department of employment security. The department shall administer the program and shall report the combined results of this project as well as the prior project carried out under section 22, chapter 197, Laws of 1974 ex. sess., to the legislature in January.

NEW SECTION. Sec. 72. FOR THE DEPARTMENT OF TRANSPORTATION

General Fund—Public Transportation Account Appropriation	\$ 553,400
Total Appropriation.	\$ 553,400

The appropriation contained in this section shall be subject to the following condition or limitation: Expenditure is contingent upon the enactment of chapter . . . , Laws of 1975 1st ex. sess. (SSB 2535).

NEW SECTION. Sec. 73. FOR THE COMPACT FOR EDUCATION

General Fund Appropriation	\$ 35,000
Total Appropriation.	\$ 35,000

**NEW SECTION. Sec. 74. FOR THE COUNCIL ON HIGHER EDUCATION
(OR ITS STATUTORY SUCCESSOR)**

General Fund Appropriation—State	\$ 8,602,978
General Fund Appropriation—Federal	\$ 860,000
Total Appropriation.	\$ 9,462,978

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) The council shall submit a report to the legislature and the governor not later than July 1, 1976, concerning the results of Technological Clearinghouse and its achievements in improving the understanding of and opportunities for technological education in this state and the need for possible future funding for such purpose.

(2) \$242,000 shall be expended for the Western Interstate Commission for Higher Education and \$171,300 of such funds shall be expended to financially assist the education of Washington students enrolled in optometry programs in other western states through the WICHE student exchange program.

NEW SECTION. Sec. 75. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

General Fund Appropriation	\$ 397,970
Total Appropriation.	\$ 397,970

NEW SECTION. Sec. 76. FOR THE AMERICAN REVOLUTION BICENTENNIAL COMMISSION

General Fund Appropriation—State	\$ 214,012
General Fund Appropriation—Federal	\$ 250,000
Total Appropriation.	\$ 464,012

NEW SECTION. Sec. 77. FOR THE WASHINGTON STATE ARTS COMMISSION

General Fund Appropriation—State	\$ 506,781
General Fund Appropriation—Federal	\$ 825,000
Total Appropriation.	\$ 1,331,781

The appropriations contained in this section shall be subject to the following condition or limitation: \$127,170 of grants shall be expended for continuation of the Center for Creativity at Fort Worden.

NEW SECTION. Sec. 78. FOR THE STATE CAPITOL HISTORICAL ASSOCIATION

General Fund Appropriation	\$ 273,506
General Fund—State Capitol Historical Association Museum	
Account Appropriation	\$ 20,000
Total Appropriation.	\$ 293,506

NEW SECTION. Sec. 79. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

General Fund Appropriation	\$ 302,875
Total Appropriation.	\$ 302,875

NEW SECTION. Sec. 80. FOR THE STATE LIBRARY

General Fund Appropriation—State	\$ 6,953,334
General Fund Appropriation—Federal	\$ 960,315
General Fund Appropriation—Private	\$ 802,000
Total Appropriation.	\$ 8,715,649

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) Not less than \$474,000 shall be expended for library services to the blind and handicapped by interagency reimbursement from the department of social and health services.

(2) \$10,000 shall be expended to conduct a study of the feasibility and alternatives to a library materials central storage facility for both public and academic libraries. Such study shall be coordinated by the state library with representatives from public libraries and college and university libraries and the report shall be submitted to the next regular session of the legislature.

(3) \$2,927,346 shall be expended for final development and operations of a computerized cataloging, acquisition, and circulation network system with the expansion of such system to the University of Washington and Washington State University.

(4) All work orders and deliverables in the further development of the computerized network system shall be approved by the Washington Data Processing Authority.

(5) By January 1, 1976, a billing system for the participants' share of the cost of the computerized network system shall be established and all participants within the system and all future participants shall be billed pursuant to such billing system commencing with the first day of the next succeeding biennium.

NEW SECTION. Sec. 81. FOR THE COORDINATING COUNCIL FOR OCCUPATIONAL EDUCATION (OR ITS STATUTORY SUCCESSOR) AND FOR THE ADVISORY COUNCIL FOR VOCATIONAL EDUCATION

General Fund Appropriation—State	\$ 1,368,155
General Fund Appropriation—Federal	\$ 20,364,929
Total Appropriation.	\$ 21,733,084

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) The appropriations contained in this section are appropriated to the Coordinating Council for Occupational Education or, contingent on the enactment of chapter . . . , Laws of 1975 1st ex. sess. (ESSB 2463), to the Commission on Vocational Education, and such commission shall be subject to the provisions of such act.

(2) It is the intent of the legislature that an examination be conducted by the office of program planning and fiscal management of the desirability and feasibility of eliminating positions not necessary for state level vocational education administration and that any such funds made available by such reduction in staff shall be allocated for support of local vocational education programs. The plan implementation for reduction of such staff shall be reported to the standing ways and means committees no later than January 1, 1976.

(3) It is the intent of the legislature that no state funds shall be expended by the Advisory Council on Vocational Education.

NEW SECTION. Sec. 82. COMMUNITY COLLEGE EDUCATION. The appropriations contained in sections 86 through 90 of this act shall be subject to the following conditions and limitations:

(1) The base system-wide formula funding levels included in the appropriations made in sections 86 through 90 of this act for each year of the biennium are:

- (a) Student services program—45% of formula entitlements;
- (b) Operation and maintenance program:
 - (i) 100% of formula entitlement for fixed costs; and
 - (ii) 60% of formula entitlement for variable costs;
- (c) Library services program:
- (i) 55% of formula entitlement for staffing;

- (ii) 52% formula entitlement for collections in fiscal year 1976; and
- (iii) 54% formula entitlement for collections in fiscal year 1977;
- (d) Instruction program:
 - (i) 72% formula entitlement for faculty staffing; and
 - (ii) 60% of formula entitlement for support staff and operations.

(2) It is the intent of the legislature that the state board for community college education shall not transfer more than 5% of the funds generated by the formula entitlements set forth in subsection(1) of this section between programs. Such transfers are subject to review and approval by the office of program planning and fiscal management. If any transfers between programs, up to the limit authorized by this subsection, are made the state board shall report the amounts and purposes of such transfers to the standing ways and means committees at the beginning of each session of the legislature.

(3) No community college may increase their 1974-75 FTE faculty positions to a level which is higher than that supported by the percent of formula funded in the appropriations made in section 90 of this act.

(4) The legislature directs that Olympia Vocational-Technical Institute shall not become a comprehensive community college and shall offer only those courses essential to vocational education.

NEW SECTION. Sec. 83. The funds appropriated by sections 86 through 90 of this act shall be distributed to the community college districts by the state board for community college education under the authority granted to the state board by chapter 28B.50 RCW.

NEW SECTION. Sec. 84. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

General Fund Appropriation	\$ 3,422,772
Total Appropriation.	\$ 3,422,772

The appropriation contained in this section shall be subject to the following condition or limitation: \$1,026,850 shall be expended for the maintenance and development of the management information system and such funds shall be expended only pursuant to a plan approved by the Washington state data processing authority.

NEW SECTION. Sec. 85. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION—FOR THE ADMINISTRATION AND GENERAL EXPENSE PROGRAM

General Fund Appropriation	\$ 17,876,642
Total Appropriation.	\$ 17,876,642

NEW SECTION. Sec. 86. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION—FOR THE STUDENT SERVICES PROGRAM

General Fund Appropriation	\$ 18,947,141
Total Appropriation.	\$ 18,947,141

The appropriation contained in this section shall be subject to the following condition or limitation: \$900,000 shall be distributed by the state board and expended for the continuation of programs for minority and disadvantaged students.

NEW SECTION. Sec. 87. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION—FOR THE PLANT OPERATIONS AND MAINTENANCE PROGRAM

General Fund Appropriation	\$ 18,954,969
Total Appropriation.	\$ 18,954,969

NEW SECTION. Sec. 88. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION—FOR THE LIBRARY SERVICES PROGRAM

General Fund Appropriation	\$ 8,374,158
Total Appropriation.	\$ 8,374,158

NEW SECTION. Sec. 89. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION—FOR THE INSTRUCTION PROGRAM

General Fund Appropriation	\$113,514,567
Total Appropriations	\$113,514,567

The appropriation contained in this section shall be subject to the following conditions and limitations:

(1) \$8,333,734 shall be expended for the purchase and repair of instructional equipment.

(2) \$1,826,068 shall be expended for the small school adjustment to Whatcom, Olympia Vocational Technical Institute, Big Bend, Peninsula, Grays Harbor, Wenatchee Valley, Centralia, Lower Columbia, Walla Walla, and Skagit Valley Community Colleges. The distribution of such funds shall be based on a percent of formula entitlement for faculty staffing which shall be increased at the rate of one percentage point above the 72% base level for each 100 FTE students below the 2,500 enrollment level, except that no college shall be funded in excess of 87% of formula.

(3) \$765,275 shall be expended exclusively for maintaining the current dental hygiene programs at a student faculty ratio of 7 to 1.

NEW SECTION. Sec. 90. HIGHER EDUCATION.

The appropriations contained in sections 92 through 147 of this act shall be subject to the following conditions and limitations:

(1) The base formula funding for the four year institutions of higher education, unless otherwise provided for in sections 92 through 147 of this act, for each year of the biennium are based in part on special nonformula items and in part on the following formula entitlements:

(a) Student services program—75% of formula entitlement;

(b) Plant operations and maintenance program:

(i) 60% of formula entitlement for variable costs; and

(ii) 100% of formula entitlement for fixed costs;

(c) Instruction and departmental research—General program:

(i) 70% of formula entitlement for faculty staffing for the University of Washington and Washington State University;

(ii) 72% of formula entitlement for faculty staffing for the four year state colleges; and

(iii) 75% of formula entitlement for faculty support;

(d) Libraries program—55% of formula entitlement for staffing.

(2) It is the intent of the legislature that the four year institutions of higher education are authorized to transfer up to five percent of the amount appropriated for any specific program or programs upon review and approval by the office of program planning and fiscal management. If any transfers between programs, up to the limit authorized by this subsection, are made the institution shall report the amount and purpose of any such transfer to the standing ways and means committees at the beginning of each session of the legislature.

NEW SECTION. Sec. 91. FOR THE UNIVERSITY OF WASHINGTON—FOR THE ADMINISTRATION AND GENERAL EXPENSE PROGRAM

General Fund Appropriation	\$ 16,618,808
Total Appropriation.	\$ 16,618,808

NEW SECTION. Sec. 92. FOR THE UNIVERSITY OF WASHINGTON—FOR THE STUDENT SERVICES PROGRAM

General Fund Appropriation	\$ 6,795,553
Total Appropriation.	\$ 6,795,553

The appropriation contained in this section shall be subject to the following condition or limitation: Not less than \$1,450,000 shall be expended for the educational opportunity program.

NEW SECTION. Sec. 93. FOR THE UNIVERSITY OF WASHINGTON—FOR THE PLANT OPERATIONS AND MAINTENANCE PROGRAM

General Fund Appropriation	\$ 24,370,000
Total Appropriation.	\$ 24,370,000

NEW SECTION. Sec. 94. FOR THE UNIVERSITY OF WASHINGTON—FOR THE LIBRARIES PROGRAM.

General Fund Appropriation	\$ 11,889,451
Total Appropriation.	\$ 11,889,451

The funds appropriated by this section are based in part on a formula entitlement derived by the use of the libraries budget model and the funding level contained in this section is at 79.6% of such formula entitlement for collections for the first year of the 1975-77 biennium and is at 80.4% of such formula entitlement for collections for the second year of the 1975-77 biennium and is at 74.6% of such formula entitlement for staffing for the first year of the 1975-77 biennium and is at 73.5% of such formula entitlement for the second year of the 1975-77 biennium and is further based in part on special nonformula items.

NEW SECTION. Sec. 95. FOR THE UNIVERSITY OF WASHINGTON—FOR THE INSTRUCTION AND DEPARTMENTAL RESEARCH—GENERAL PROGRAM

General Fund Appropriation	\$ 66,456,354
Total Appropriation.	\$ 66,456,354

NEW SECTION. Sec. 96. FOR THE UNIVERSITY OF WASHINGTON—FOR THE INSTRUCTION AND DEPARTMENTAL RESEARCH—HEALTH SCIENCES PROGRAM

General Fund Appropriation	\$ 31,388,410
Total Appropriation.	\$ 31,388,410

NEW SECTION. Sec. 97. FOR THE UNIVERSITY OF WASHINGTON—FOR THE JOINT CENTER FOR GRADUATE STUDY—RICHLAND PROGRAM

General Fund Appropriation	\$ 313,574
Total Appropriation.	\$ 313,574

NEW SECTION. Sec. 98. FOR THE UNIVERSITY OF WASHINGTON—FOR THE ORGANIZED ACTIVITIES RELATED TO EDUCATIONAL DEPARTMENTS PROGRAM

General Fund Appropriation	\$ 2,773,677
Total Appropriation.	\$ 2,773,677

NEW SECTION. Sec. 99. FOR THE UNIVERSITY OF WASHINGTON—FOR THE UNIVERSITY HOSPITAL PROGRAM

General Fund Appropriation	\$ 7,700,700
Total Appropriation.	\$ 7,700,700

The appropriation contained in this section shall be subject to the following condition or limitation: \$900,000 contained in this appropriation is contingent upon the passage of chapter . . . , Laws of 1975 1st ex. sess. (SB 2619).

NEW SECTION. Sec. 100. FOR THE UNIVERSITY OF WASHINGTON—FOR THE HARBORVIEW MEDICAL CENTER PROGRAM

General Fund Appropriation	\$ 6,109,597
Total Appropriation.	\$ 6,109,597

NEW SECTION. Sec. 101. FOR THE UNIVERSITY OF WASHINGTON—FOR THE EXTENSION AND PUBLIC SERVICES PROGRAM

General Fund Appropriation	\$ 2,528,640
Total Appropriation.	\$ 2,528,640

NEW SECTION. Sec. 102. FOR THE UNIVERSITY OF WASHINGTON—FOR THE SEPARATELY BUDGETED RESEARCH PROGRAM

General Fund Appropriation	\$ 2,907,366
Accident Fund Appropriation	\$ 717,500
Medical Aid Fund Appropriation	\$ 717,500
Total Appropriation.	\$ 4,342,366

The appropriations contained in this section shall be subject to the following condition or limitation: \$234,586 of the general fund appropriation shall be expended to pro-

vide, to the school of public health and community medicine sufficient funds to implement a program of research and analysis of health care and health care programs in the state of Washington that will provide independent data to the legislative and administrative branches of state government necessary to the formulation of policies and the development of improved health care programs.

NEW SECTION. Sec. 103. FOR THE UNIVERSITY OF WASHINGTON

General Fund Appropriation	\$ 500,000
Total Appropriation.	\$ 500,000

The appropriation contained in this section shall be for the support of Washington State University's participation in the WAMI program.

NEW SECTION. Sec. 104. FOR WASHINGTON STATE UNIVERSITY—FOR THE ADMINISTRATION AND GENERAL EXPENSE PROGRAM

General Fund Appropriation	\$ 7,985,900
Total Appropriation.	\$ 7,985,900

NEW SECTION. Sec. 105. FOR WASHINGTON STATE UNIVERSITY—FOR THE STUDENT SERVICES PROGRAM

General Fund Appropriation	\$ 4,534,073
Total Appropriation.	\$ 4,534,073

NEW SECTION. Sec. 106. FOR WASHINGTON STATE UNIVERSITY—FOR THE PLANT OPERATIONS AND MAINTENANCE PROGRAM

General Fund Appropriation	\$ 9,439,100
Total Appropriation.	\$ 9,439,100

NEW SECTION. Sec. 107. FOR WASHINGTON STATE UNIVERSITY—FOR THE LIBRARIES PROGRAM

General Fund Appropriation	\$ 5,145,164
Total Appropriation.	\$ 5,145,164

The funds appropriated by this section are based in part on a formula entitlement derived by the use of the libraries budget model and the funding level contained in this section is at 72.9% of such formula entitlement for collections in the first year of the 1975-77 biennium and is at 73.6% of such formula entitlement for collections in the second year of the 1975-77 biennium.

NEW SECTION. Sec. 108. FOR WASHINGTON STATE UNIVERSITY—FOR THE INSTRUCTION AND DEPARTMENTAL RESEARCH—GENERAL PROGRAM

General Fund Appropriation	\$ 34,480,169
Total Appropriation.	\$ 34,480,169

NEW SECTION. Sec. 109. FOR WASHINGTON STATE UNIVERSITY—FOR INSTRUCTION AND DEPARTMENTAL RESEARCH—HEALTH SCIENCES PROGRAM

General Fund Appropriation	\$ 6,367,003
Total Appropriation.	\$ 6,367,003

NEW SECTION. Sec. 110. FOR WASHINGTON STATE UNIVERSITY—FOR THE JOINT CENTER FOR GRADUATE STUDY—RICHLAND PROGRAM

General Fund Appropriation	\$ 313,574
Total Appropriation.	\$ 313,574

NEW SECTION. Sec. 111. FOR WASHINGTON STATE UNIVERSITY—FOR THE ORGANIZED ACTIVITIES RELATED TO EDUCATIONAL DEPARTMENTS PROGRAM

General Fund Appropriation	\$ 678,864
Total Appropriation.	\$ 678,864

NEW SECTION. Sec. 112. FOR WASHINGTON STATE UNIVERSITY—FOR THE AGRICULTURAL COOPERATIVE EXTENSION PROGRAM

General Fund Appropriation	\$ 5,172,700
Total Appropriation.	\$ 5,172,700

NEW SECTION. Sec. 113. FOR WASHINGTON STATE UNIVERSITY—FOR THE EXTENSION AND PUBLIC SERVICES—GENERAL PROGRAM

General Fund Appropriation	\$ 1,625,900
Total Appropriation.	\$ 1,625,900

NEW SECTION. Sec. 114. FOR WASHINGTON STATE UNIVERSITY—FOR THE SEPARATELY BUDGETED RESEARCH—AGRICULTURAL PROGRAM

General Fund Appropriation	\$ 12,577,900
Total Appropriation.	\$ 12,577,900

NEW SECTION. Sec. 115. FOR WASHINGTON STATE UNIVERSITY—FOR THE SEPARATELY BUDGETED RESEARCH—ENGINEERING PROGRAM

General Fund Appropriation	\$ 2,109,300
Total Appropriation.	\$ 2,109,300

NEW SECTION. Sec. 116. FOR WASHINGTON STATE UNIVERSITY—FOR THE SEPARATELY BUDGETED RESEARCH—OTHER PROGRAMS

General Fund Appropriation	\$ 1,465,400
Total Appropriation.	\$ 1,465,400

NEW SECTION. Sec. 117. The legislature hereby directs that Western Washington State College shall not expend any of the funds appropriated to it by sections 119 through 126 of this act for the development of a Ph.D. program in any academic discipline or subject field.

NEW SECTION. Sec. 118. FOR WESTERN WASHINGTON STATE COLLEGE—FOR THE ADMINISTRATION AND GENERAL EXPENSE PROGRAM

General Fund Appropriation	\$ 2,979,100
Total Appropriation.	\$ 2,979,100

NEW SECTION. Sec. 119. FOR WESTERN WASHINGTON STATE COLLEGE—FOR THE STUDENT SERVICES PROGRAM

General Fund Appropriation	\$ 2,066,100
Total Appropriation.	\$ 2,066,100

NEW SECTION. Sec. 120. FOR WESTERN WASHINGTON STATE COLLEGE—FOR THE PLANT OPERATIONS AND MAINTENANCE PROGRAM

General Fund Appropriation	\$ 3,561,500
Total Appropriation.	\$ 3,561,500

NEW SECTION. Sec. 121. FOR WESTERN WASHINGTON STATE COLLEGE—FOR THE LIBRARIES PROGRAM

General Fund Appropriation	\$ 1,850,449
Total Appropriation.	\$ 1,850,449

The funds appropriated by this section are based in part on a formula entitlement derived by the use of the libraries' budget model and the funding level contained in this section is at 97.5% of such formula entitlement for collections in the first year of the 1975-77 biennium and is at 99.4% of such formula entitlement for collections in the second year of the 1975-77 biennium.

NEW SECTION. Sec. 122. FOR WESTERN WASHINGTON STATE COLLEGE—FOR THE INSTRUCTION AND DEPARTMENTAL RESEARCH PROGRAM

General Fund Appropriation	\$ 18,582,855
Total Appropriation.	\$ 18,582,855

NEW SECTION. Sec. 123. FOR WESTERN WASHINGTON STATE COLLEGE—FOR THE ORGANIZED ACTIVITIES RELATED TO EDUCATIONAL DEPARTMENTS PROGRAM

General Fund Appropriation	\$ 694,900
Total Appropriation.	\$ 694,900

NEW SECTION. Sec. 124. FOR WESTERN WASHINGTON STATE COLLEGE—FOR THE EXTENSION AND PUBLIC SERVICE PROGRAM—FOR THE FAIRHAVEN BRIDGE PROGRAM

General Fund Appropriation	\$ 80,000
Total Appropriation.	\$ 80,000

NEW SECTION. Sec. 125. FOR WESTERN WASHINGTON STATE COLLEGE—FOR THE SEPARATELY BUDGETED RESEARCH PROGRAM

General Fund Appropriation	\$ 50,000
Total Appropriation.	\$ 50,000

NEW SECTION. Sec. 126. FOR CENTRAL WASHINGTON STATE COLLEGE—FOR THE ADMINISTRATION AND GENERAL EXPENSE PROGRAM

General Fund Appropriation	\$ 2,107,000
Total Appropriation.	\$ 2,107,000

NEW SECTION. Sec. 127. FOR CENTRAL WASHINGTON STATE COLLEGE—FOR THE STUDENT SERVICES PROGRAM

General Fund Appropriation	\$ 1,821,700
Total Appropriation.	\$ 1,821,700

NEW SECTION. Sec. 128. FOR CENTRAL WASHINGTON STATE COLLEGE—FOR THE PLANT OPERATIONS AND MAINTENANCE PROGRAM

General Fund Appropriation	\$ 3,660,100
Total Appropriation.	\$ 3,660,100

NEW SECTION. Sec. 129. FOR CENTRAL WASHINGTON STATE COLLEGE—FOR THE LIBRARIES PROGRAM

General Fund Appropriation	\$ 1,677,700
Total Appropriation.	\$ 1,677,700

The funds appropriated by this section are based in part on a formula entitlement derived by the use of the libraries budget model and the funding level contained in this section is at 86.2% of such formula entitlement for collections for the first year of the 1975-77 biennium and is at 87.1% of such formula entitlement for collections for the second year of the 1975-77 biennium.

NEW SECTION. Sec. 130. FOR CENTRAL WASHINGTON STATE—FOR THE INSTRUCTION AND DEPARTMENTAL RESEARCH PROGRAM

General Fund Appropriation	\$ 15,342,087
Total Appropriation.	\$ 15,342,087

NEW SECTION. Sec. 131. FOR CENTRAL WASHINGTON STATE COLLEGE—FOR THE ORGANIZED ACTIVITIES RELATED TO EDUCATIONAL DEPARTMENTS PROGRAM

General Fund Appropriation	\$ 1,413,100
Total Appropriation.	\$ 1,413,100

The appropriation contained in this section shall be subject to the following condition or limitation: \$250,000 shall be expended for the conversion of existing data processing systems from their current environment to a joint utilization of other shared state data processing resources.

NEW SECTION. Sec. 132. FOR CENTRAL WASHINGTON STATE COLLEGE—FOR THE SEPARATELY BUDGETED RESEARCH PROGRAM

General Fund Appropriation	\$ 40,000
Total Appropriation.	\$ 40,000

NEW SECTION. Sec. 133. FOR EASTERN WASHINGTON STATE COLLEGE—FOR THE ADMINISTRATION AND GENERAL EXPENSE PROGRAM

General Fund Appropriation	\$ 2,193,800
Total Appropriation.	\$ 2,193,800

NEW SECTION. Sec. 134. FOR EASTERN WASHINGTON STATE COLLEGE—FOR THE STUDENT SERVICES PROGRAM

General Fund Appropriation	\$ 1,250,900
Total Appropriation.	\$ 1,250,900

NEW SECTION. Sec. 135. FOR EASTERN WASHINGTON STATE COLLEGE—FOR THE PLANT OPERATIONS AND MAINTENANCE PROGRAM

General Fund Appropriation \$ 4,488,300
Total Appropriation. \$ 4,488,300

NEW SECTION. Sec. 136. FOR EASTERN WASHINGTON STATE COLLEGE—FOR THE LIBRARIES PROGRAM

General Fund Appropriation \$ 1,381,330
Total Appropriation. \$ 1,381,330

The funds appropriated by this section are based in part on a formula entitlement derived by the use of the libraries budget model and the funding level contained in this section is at 82.8% of such formula entitlement for collections for the first year of the 1975-77 biennium and is at 83.3% of such formula entitlement for collections for the second year of the 1975-77 biennium.

NEW SECTION. Sec. 137. FOR EASTERN WASHINGTON STATE COLLEGE—FOR THE GENERAL INSTRUCTION PROGRAM

General Fund Appropriation \$ 14,360,189
Total Appropriation. \$ 14,360,189

NEW SECTION. Sec. 138. FOR EASTERN WASHINGTON STATE COLLEGE—FOR THE INSTRUCTION AND DEPARTMENTAL RESEARCH-HEALTH SCIENCES PROGRAM

General Fund Appropriation \$ 330,033
Total Appropriation. \$ 330,033

NEW SECTION. Sec. 139. FOR EASTERN WASHINGTON STATE COLLEGE—FOR THE ORGANIZED ACTIVITIES RELATED TO EDUCATIONAL DEPARTMENTS PROGRAM

General Fund Appropriation \$ 1,336,200
Total Appropriation. \$ 1,336,200

NEW SECTION. Sec. 140. FOR EASTERN WASHINGTON STATE COLLEGE—FOR THE SEPARATELY-BUDGETED RESEARCH PROGRAM

General Fund Appropriation \$ 10,000
Total Appropriation. \$ 10,000

NEW SECTION. Sec. 141. FOR THE EVERGREEN STATE COLLEGE—FOR THE ADMINISTRATION AND GENERAL EXPENSE PROGRAM

General Fund Appropriation \$ 1,767,300
Total Appropriation. \$ 1,767,300

NEW SECTION. Sec. 142. FOR THE EVERGREEN STATE COLLEGE—FOR THE STUDENT SERVICES PROGRAM

General Fund Appropriation \$ 677,734
Total Appropriation. \$ 677,734

The funds appropriated by this section are based in part on a formula entitlement derived by the use of the student services budget model and the funding level contained in this section is at 85% of such formula entitlement for the first year of the 1975-77 biennium and is at 75% of such formula entitlement for the second year of the 1975-77 biennium and is further based in part on special nonformula items.

NEW SECTION. Sec. 143. FOR THE EVERGREEN STATE COLLEGE—FOR THE PLANT OPERATIONS AND MAINTENANCE PROGRAM

General Fund Appropriation \$ 2,683,299
Total Appropriation. \$ 2,683,299

NEW SECTION. Sec. 144. FOR THE EVERGREEN STATE COLLEGE—FOR THE LIBRARIES PROGRAM

General Fund Appropriation \$ 1,416,823
Total Appropriation. \$ 1,416,823

The funds appropriated by this section are based in part on a formula entitlement derived by the use of the libraries budget model and the funding level contained in this

section is at 82.9% of such formula entitlement for collections for the first year of the 1975-77 biennium and is at 82.1% of such formula entitlement for collections for the second year of the 1975-77 biennium.

NEW SECTION. Sec. 145. FOR THE EVERGREEN STATE COLLEGE—FOR THE INSTRUCTION AND DEPARTMENTAL RESEARCH PROGRAM

General Fund Appropriation	\$ 5,387,428
Total Appropriation.	\$ 5,387,428

NEW SECTION. Sec. 146. FOR THE EVERGREEN STATE COLLEGE—FOR THE ORGANIZED ACTIVITIES RELATED TO EDUCATIONAL DEPARTMENTS PROGRAM

General Fund Appropriation	\$ 600,000
Total Appropriation.	\$ 600,000

NEW SECTION. Sec. 147. K-12 PROGRAM.

The appropriations contained in sections 149 through 164 of this act shall be subject to the following conditions and limitations:

(1) No funds shall be expended to support the state board of education's adopted 1971 "Guidelines and Standards" relating to the preparation of professional education staff. No funds shall be expended for development, implementation, or continuation of activities associated with the 1971 "Guidelines and Standards".

(2) No funds shall be expended directly or indirectly for purposes of advancing the development of occupational skill centers. Operations of skill centers in existence on the effective date of this act may be continued.

NEW SECTION. Sec. 148. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION (INCLUDING THE STATE BOARD FOR EDUCATION)

General Fund Appropriation—State	\$ 8,718,921
General Fund Appropriation—Federal	\$ 3,904,000
General Fund—Traffic Safety Education Account Appropriation	\$ 667,690
Total Appropriation.	\$ 13,290,611

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) The superintendent of public instruction is authorized to continue operating a career education program through the 1975-77 biennium: PROVIDED, That no more than \$100,000 of state funds shall be used for the continuation of this program.

(2) \$280,000 shall be expended exclusively to provide support for legal actions against local school districts which result from reduction-in-force procedures. Such funds may only be disbursed to local school districts on approval of the superintendent of public instruction and no such funds shall be disbursed after March 15, 1976. Disbursements shall be made to local districts only if such districts provide at least twenty-five percent of the costs of such legal actions from nonappropriated funds.

(3) Not more than \$90,000 shall be expended to provide office support for the management of the transportation program.

(4) Not more than \$667,690 shall be expended for state office administration of the traffic safety education program. The superintendent of public instruction shall develop a plan for reducing administrative costs associated with such program and submit the plan to the standing ways and means committees no later than July 1, 1976.

(5) The state board of education shall not reduce the number of intermediate school districts, including any realignment of boundaries, until approval is received by the legislature.

NEW SECTION. Sec. 149. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—GENERAL APPORTIONMENT

General Fund Appropriation:	
For General Apportionment	\$1,073,195,265
Total Appropriation.	\$1,073,195,265

The appropriation contained in this section shall be subject to the following conditions and limitations:

(1) Salary increases for classified and certificated employees of common school districts are not mandated by the provisions of this section.

(2) Any local school district which does provide a salary increase from funds appropriated by this section shall provide a district-wide salary increase which is equal for both certificated and classified personnel.

(3) Local school districts receiving funds from the appropriation made in this section may expend all or a portion of such funds to retain needed personnel in-lieu of salary increases.

(4) It is the intent of the legislature that to the extent that any district receives funds through the state apportionment formula in excess of the amount anticipated by such a district when it established its excess levy for collection in 1976 and when such excess can be utilized to relieve special levy burdens, then such a district should place a first priority on reducing its special levy.

(5) The superintendent of public instruction is hereby authorized to direct from the appropriation contained in this section, such funds as may be necessary to grant salary increases for certificated and classified employees funded through categorical programs, but in no event shall such allocation exceed the average salary increase amount authorized for state employees during the 1974-75 fiscal year.

(6) The weighting schedule used by the superintendent of public instruction during the 1975-77 biennium in computing the apportionment of funds for each school district shall be used based on the following factors:

(a) A base weighting factor of 1.0 for each full time equivalent student enrolled;

(b) An additional weighting factor of 1.0 for each full time equivalent student enrolled in vocational education in grades 9-12 which is approved by the superintendent of public instruction. The superintendent of public instruction shall report the results of a comprehensive study on vocational education to the standing ways and means committees no later than January 1, 1976. Such study shall document the cost of vocational education presently qualifying for 0.2 support on a sample basis. Such study shall include an examination of the criteria for determining full time equivalents and recommendations for alternative funding procedures and a time line for implementation thereof;

(c) Continuation of the weighting factors used by the superintendent of public instruction for the purpose of reimbursement to each school district for costs resulting from staff education and experience greater than the minimum requirements. The superintendent of public instruction shall employ the staff characteristic factor of the respective local districts established in each of the immediately preceding school years for purposes of distribution throughout the 1975-77 biennium;

(d) An additional weighting factor of not more than 2.0 as determined by the superintendent of public instruction for school districts enrolling not more than 250 full time equivalent students in grades 9-12;

(e) An additional weighting factor of not more than 2.0 as determined by the superintendent of public instruction for nonhigh school districts enrolling not more than 100 full time equivalent students which districts have been judged to be remote and necessary by the state board of education;

(f) An additional weighting factor of not more than 2.0 as determined by the superintendent of public instruction for small school plants which are judged remote and necessary within any school district by the state board of education;

(g) An additional weighting factor for a period of not more than four years, for any consolidated school district formed after July 1, 1971, equal to the additional weighting factor in effect in each qualifying district during the school year immediately preceding consolidation, which district consists of one or more former school districts which were either remote and necessary or which contained not more than 250 students in grades 9-12;

(h) An additional weighting factor of 0.25 for full time equivalent students residing on tax exempt property as set forth in RCW 28A.41.140(6)(b) or (c); and

(i) An additional weighting factor of 0.25 for full time equivalent students in an approved interdistrict cooperative program as authorized by RCW 28A.41.140(6)(a) and 28A.58.075.

(7) It is the intent of the legislature that a portion of the funds appropriated by this section for general apportionment may be used by school districts for costs associated with public use of school gymnasiums during evening and weekend hours.

(8) During the 1975-77 biennium the superintendent of public instruction shall distribute not more than \$960,000 of the funds appropriated by this section for general apportionment, outside of the apportionment formula to school districts for the following purposes:

(a) To pay fire protection districts at a rate of \$1.00 per year for each student attending a school located in an unincorporated area within a fire protection district as mandated by the provisions of RCW 52.36.020 by the expenditure of not more than \$560,000;

(b) To pay for school district emergencies by the expenditure of not more than \$400,000.

(9) During the 1975-77 biennium the superintendent of public instruction may direct the expenditure of funds contained in this appropriation to fund the percentage of school psychologists, speech therapists and other ancillary personnel not funded in the handicapped excess cost appropriation for the 1975-77 biennium.

NEW SECTION. Sec. 150. There is hereby appropriated from the state general fund to the superintendent of public instruction for the biennium ending June 30, 1977, for distribution appropriate to the purposes of this section during the 1975-76 school year to school districts as hereinafter in this section provided, the sum of sixty-five million dollars or so much thereof as may be necessary: PROVIDED, That not more than three and one-half million dollars of such amount shall be allocated to districts which have submitted but failed to authorize one or more excess levies for maintenance and operations in 1976 and with a relatively high percentage of urban, rural, racial, and disadvantaged children, to continue quality educational programs for the 1975-76 school year at approximately the same student-teacher ratio that existed during the 1974-75 school year for any such districts or schools within such districts.

Allocations under this section for special levy relief shall be made by the superintendent of public instruction to local school districts in accordance with the following procedure:

Those local school districts which have received authorization for collection of an excess levy in 1976 for maintenance and operations or which have submitted one or more excess levies for maintenance and operations in 1976 shall receive an amount in the sum of eighty dollars per full time equivalent pupil enrolled for the 1975-76 school year. The superintendent of public instruction shall determine and notify each local school district of the amount of such funds made available by this section. Each board of directors of a local school district which qualifies for an allotment of funds for special levy relief pursuant to the provisions of this section and has been authorized an excess levy for maintenance and operations for collection in 1976, prior to receiving an allotment of funds hereunder, shall certify to the respective county legislative authority a reduction in the excess levy equal to the amount of funds made available for special levy relief pursuant to this section. Any school district which fails to certify and roll back excess levies in the manner required by this section shall not receive any allotment from the superintendent of public instruction of the funds made available under this section.

Those local school districts which did not submit one or more excess levies for maintenance and operations for collection in 1976 and in addition experience a net per pupil expenditure, excluding transportation costs, of less than the state-wide average per student during the 1974-75 school year, shall receive an amount equal to fifty dollars per full time equivalent pupil during the 1975-76 school year.

The superintendent of public instruction, pursuant to chapter 34.04 RCW, shall promulgate rules and regulations to effect the intent of this section.

NEW SECTION. Sec. 151. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR HANDICAPPED EXCESS COSTS

General Fund Appropriation—State	\$ 73,163,256
General Fund Appropriation—Federal	\$ 3,423,000
Total Appropriation.	\$ 76,586,256

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) The number of students receiving special education for learning language disabilities shall be increased from 0.8 percent to 1.0 percent of the total student enrollment during the 1975-76 school year.

(2) Not more than \$2,437,230 of the funds contained in the appropriations made in this section shall be held in reserve to increase the current percentage to 1.5 percent of the total student enrollment during the 1976-77 school year upon satisfactory completion of the requirement set forth in subsection (3) of this section.

(3) No reserve funds shall be released without approval of the legislative budget committee and that committee shall not release such funds until the superintendent of public instruction has implemented an appropriate screening device designed to identify children with learning language disabilities. The office of the superintendent of public instruction shall not expend more than \$40,000 of the funds contained in these appropriations to implement such a screening device.

(4) Handicapped program categories are budgeted for on the student-teacher ratios provided for by the rules and regulations adopted by the superintendent of public instruction with the exception of resource rooms which are budgeted for on ratio of 35 students to 1 teacher.

(5) During the 1975-76 school year the superintendent of public instruction shall implement a system of monthly reporting by each school district of handicapped student enrollments by the disability categories.

(6) A committee composed of ten persons (three appointed by the superintendent of public instruction, three appointed by the governor, two appointed by each of the standing ways and means committees), which shall be provided such support services by the superintendent of public instruction as are necessary to accomplish the tasks imposed by this subsection, shall provide a report to the office of program planning and fiscal management and the standing ways and means committees not later than February 1, 1976, which shall include, but not necessarily be limited to the following:

(a) Redefinition by handicapped category of eligibility criteria for excess cost funding including type of disability, degree of disability, and related criteria;

(b) Coordination of definitions and criteria with mental health, developmental disabilities, and other related programs of the department of social and health services;

(c) A state-wide needs assessment which shall be a six year projection;

(d) A thorough review of screening techniques and referral processes;

(e) A reevaluation of instructional methods; and

(f) A revision of accounting and reporting requirements to insure accountability of expenditures to budget assumptions and to measure the effectiveness of special educational programs in assisting students to achieve their appropriate grade levels.

(7) Not more than \$36,000 shall be used to initiate a program to instruct teachers and school nurses in techniques for recognizing and caring for epileptic students.

NEW SECTION. Sec. 152. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PUPIL TRANSPORTATION

General Fund Appropriation	\$ 61,699,889
Total Appropriation.	\$ 61,699,889

The appropriation contained in this section shall be subject to the following conditions and limitations:

(1) Not more than \$350,000 shall be expended to provide for the improved management of the transportation and safety programs initiated by chapter 91, Laws of 1974 ex. sess.

(2) The superintendent of public instruction shall develop a new vehicle depreciation schedule that more accurately reflects the useful life of transportation equipment and shall report recommendations to the respective ways and means committees of the legislature not later than September 1, 1975.

NEW SECTION. Sec. 153. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR VOCATIONAL-TECHNICAL INSTITUTES AND ADULT EDUCATION AT VOCATIONAL-TECHNICAL INSTITUTES

General Fund Appropriation \$ 20,398,748

NEW SECTION. Sec. 154. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR STATE INSTITUTIONAL EDUCATION PROGRAMS

General Fund Appropriation—State \$ 8,866,998

General Fund Appropriation—Federal \$ 3,699,540

Total Appropriation. \$ 12,566,538

NEW SECTION. Sec. 155. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR URBAN RURAL RACIAL DISADVANTAGED PROGRAMS

General Fund Appropriation \$ 9,611,362

Total Appropriation. \$ 9,611,362

The appropriation contained in this section shall be subject to the following condition or limitation: Not less than \$1,000,000 shall be expended for districts with an average annual enrollment of 2,500 full time equivalent students or less.

NEW SECTION. Sec. 156. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR INTERMEDIATE SCHOOL DISTRICTS

General Fund Appropriation \$ 3,624,870

Total Appropriation. \$ 3,624,870

NEW SECTION. Sec. 157. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE GIFTED PUPIL PROGRAM

General Fund Appropriation \$ 913,000

Total Appropriation. \$ 913,000

The appropriation contained in this section shall be subject to the following condition or limitation: The superintendent of public instruction shall provide a report to the legislative budget committee not later than February 1, 1976, which shall include the following:

- (1) A state-wide needs assessment which shall be a six year projection;
- (2) Quantifiable definitions of intellectually and creatively gifted students who are determined eligible for excess cost funding;
- (3) An explanation of screening techniques relating to gifted students;
- (4) A description of instructional methods relating to gifted students;
- (5) Program cost data; and
- (6) Program success data.

NEW SECTION. Sec. 158. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR CULTURAL ENRICHMENT PROGRAMS

General Fund Appropriation \$ 1,111,781

Total Appropriation. \$ 1,111,781

NEW SECTION. Sec. 159. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE PACIFIC SCIENCE CENTER FOR MATHEMATICS AND SCIENCE EDUCATION SERVICES TO BE PROVIDED PUBLIC SCHOOL STUDENTS AND TEACHERS

General Fund Appropriation \$ 513,121

Total Appropriation. \$ 513,121

The appropriation contained in this section shall be subject to the following conditions and limitations:

- (1) Not more than \$338,121 may be expended by the superintendent of public instruction to construct, remodel and equip an astronomy education facility upon property owned by Pacific Science Center Foundation for the purpose of providing such educational services.

(2) The superintendent of public instruction may contract to transfer title to such facility and equipment provided in subsection (1) of this section to the Pacific Science Center Foundation or its successor at such time as the value of educational services provided to public school students and teachers exceeds the costs reimbursed by the superintendent of public instruction and participating school districts by an amount equivalent to at least the cost to the superintendent of public instruction for the construction and acquisition of such facility and equipment.

NEW SECTION. Sec. 160. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE TRAFFIC SAFETY PROGRAM

General Fund—Traffic Safety Education Account Appropriation	\$ 8,951,410
Total Appropriation.	\$ 8,951,410

NEW SECTION. Sec. 161. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL FOOD SERVICE PROGRAMS

General Fund Appropriation—State	\$ 7,650,964
General Fund Appropriation—Federal	\$ 41,796,311
Total Appropriation.	\$ 49,447,275

NEW SECTION. Sec. 162. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE ENUMERATED PURPOSES

General Fund Appropriation—Federal	\$ 60,731,414
Total Appropriation.	\$ 60,731,414
Elementary and Secondary Education Act of 1965	\$ 57,054,157
National Defense Education Act of 1958	\$ 617,257
Education of Indian Children	\$ 1,810,000
Adult Basic Education	\$ 1,250,000

NEW SECTION. Sec. 163. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE ENCUMBRANCE OF FEDERAL GRANTS

General Fund Appropriation—Federal	\$ 15,221,787
Total Appropriation.	\$ 15,221,787

NEW SECTION. Sec. 164. FOR THE OCEANOGRAPHIC COMMISSION

General Fund Appropriation	\$ 227,486
Total Appropriation.	\$ 227,486

The appropriation contained in this section shall be subject to the following limitation or condition: Not more than \$40,000 shall be expended on a research feasibility study for an underwater pipeline crossing of Admiralty Inlet. Results of such study shall be submitted to the legislature not later than January 1, 1976.

NEW SECTION. Sec. 165. FOR THE DEPARTMENT OF ECOLOGY

General Fund Appropriation—State	\$ 14,205,59
General Fund Appropriation—Federal	\$ 7,206,050

General Fund—Reclamation Revolving Account	
Appropriation	\$ 526,000

General Fund—Litter Control Account	
Appropriation	\$ 1,725,260

Stream Gauging Basic Data Fund Appropriation	\$ 170,000
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General Fund—Water Pollution Control Facilities	
Account Appropriation	\$ 4,000,000

General Fund—State and Local Improvements	
Revolving Account—Waste Disposal Facilities:	
Appropriated pursuant to the provisions of chapter 127,	
Laws of 1972 ex. sess. (Referendum 26)	\$ 93,744,785

General Fund—State and Local Improvements	
Revolving Account—Water Supply Facilities:	
Appropriated pursuant to the provisions of chapter	
128, Laws of 1972 ex. sess. (Referendum 27)	\$ 53,944,043
Total Appropriation.	\$ 175,521,730

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) \$1,063,931 in state funds from the appropriations contained herein shall be expended by the department for matching purposes for activated air pollution control authorities. If such authorities do not expend an equal amount to match such funds during the 1975-77 biennium, then such unmatched, unexpended state funds shall be available to the department.

(2) \$1,388,050 from federal air pollution control grant funds shall be made available to activated air pollution control authorities in the state as directed by the federal environmental protection agency.

(3) Not more than \$2,500 shall be expended for water master services in Walla Walla county.

(4) \$20,769,529 of the state and local improvements account—water supply appropriation shall be expended exclusively for agricultural water supply facilities. Not more than \$15,000,000 of such \$20,769,529 appropriation shall be expended for the Second Bacon Siphon and Tunnel.

(5) On or before October 1, 1975, the department of ecology shall file with the standing ways and means committees of the legislature a master compilation by project type of those projects proposed for funding during the 1975-77 biennium from the appropriations for waste disposal facilities and municipal and industrial water supply facilities. The department shall submit updates for the master compilation to the standing ways and means committees at six month intervals during the 1975-77 biennium. The updates shall reflect project completions, deletions, and substitutions or additions made during the course of administering such projects. If the department proposes to change or modify any project listed on the master compilation, it shall give the standing ways and means committees thirty days written notice of such change or modification prior to the expenditure or obligation of any funds appropriated by this section. The department shall inform the standing ways and means committees as soon as is practicable of emergent federal action which has any affect whatsoever on the appropriations for waste disposal facilities and water supply facilities.

(6) The appropriation from the state and local improvements revolving account—municipal and industrial water supply facilities may be expended to pay up to fifty percent of the eligible cost of any project, as a grant or loan or combination thereof. Also, the department may loan up to one hundred percent of the eligible costs of preconstruction activities and the department may provide up to one hundred percent of the costs necessary to meet the conditions required to receive federal funds.

(7) The appropriation from the state and local improvements revolving account—waste disposal facilities may be expended by the department to pay for up to fifty percent of the eligible cost of any project, as a grant or loan or combination thereof, for waste water treatment or disposal, agricultural pollution, lake rehabilitation, or solid waste management facilities. The department is hereby authorized to loan up to one hundred percent of the eligible costs of preconstruction activities. The department is hereby authorized to provide up to one hundred percent of the costs necessary to meet the conditions required to receive federal funds.

NEW SECTION. Sec. 166. FOR THE COLUMBIA RIVER GORGE COMMISSION

General Fund Appropriation—State	\$	3,600
General Fund Appropriation—Federal	\$	16,000
Total Appropriation.	\$	19,600

NEW SECTION. Sec. 167. FOR THE POLLUTION CONTROL HEARINGS BOARD

General Fund Appropriation	\$	404,756
Total Appropriation.	\$	404,756

NEW SECTION. Sec. 168. FOR THE THERMAL POWER PLANT SITE EVALUATION COUNCIL

General Fund Appropriation	\$	324,609
Total Appropriation.	\$	324,609

The appropriation contained in this section is subject to the following condition or limitation: The council shall establish a schedule of charges for monitoring compliance with state site certification requirements. Such charges shall be sufficient to maintain the expense of the compliance monitoring function. The schedule shall be submitted to the standing ways and means committees of the legislature not later than November 30, 1975.

NEW SECTION. Sec. 169. FOR THE SHORELINES HEARING BOARD

General Fund Appropriation	\$ 56,000
Total Appropriation.	\$ 56,000

NEW SECTION. Sec. 170. FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund Appropriation—State	\$ 15,907,721
General Fund Appropriation—Federal	\$ 252,205
General Fund—Trust Land Purchase Account Appropriation	\$ 2,522,968
Motor Vehicle Fund Appropriation	\$ 600,000
General Fund—State and Local Improvement Revolving Account Appropriation—Public Recreation Facilities; Appropriated pursuant to section 4(3), chapter 129 Laws of 1972 ex. sess.	\$ 625,000
Total Appropriation.	\$ 19,907,894

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) The commission shall make no contractual agreements or receive any donation of real property or an interest therein which commits the commission to either assuming on a current basis or to requesting funds at a future time for operating, development, or acquisition costs without prior approval of the legislative budget committee or the standing ways and means committees if the legislature is in session.

(2) \$6,150,450 shall be expended for the administrative services program to be funded from the following sources: \$2,750,277 from the state general fund, \$252,205 from the federal general fund, \$2,522,968 from the trust land purchase account, and \$625,000 from the state and local improvement revolving account.

Not more than \$35,000 shall be expended within the administrative services program for the purpose of studying the feasibility, desirability, and need for a greenway along the Yakima river from Selah Gap to Union Gap.

Not more than \$15,000 shall remain unexpended for the contingent purpose of making a grant to the Port of Skagit County in the event that the planned operation of the historical railroad from Sedro Woolley to Concrete is not fully self-supporting in the first year of operation.

It is the intent of the legislature that \$625,000 shall be expended for the "Historic Preservation Program" to be operated by the Commission. Such Commission and the office of program planning and fiscal management shall adopt rules and regulations pursuant to chapter 34.04 RCW for the purpose of administering such program.

(3) \$2,317,228 shall be expended for the resource development program to be funded by \$1,717,228 from the state general fund and \$600,000 from the motor vehicle fund appropriation.

(4) The park operation program is funded by \$11,440,216 from the state general fund.

\$60,000 shall be expended within the park operation program for continuation of contractual agreements with Grays Harbor and Pacific counties for beach patrol and law enforcement on North Beach, South Beach, and Long Beach.

NEW SECTION. Sec. 171. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

General Fund—Outdoor Recreation Account

Appropriation	\$ 14,756,013
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General Fund—Outdoor Recreation Account Appropriation;

Appropriated pursuant to section 4(2), chapter 129,

Laws of 1972 ex. sess. \$ 7,210,000

Total Appropriation. \$ 21,966,013

The appropriations contained in this section shall be subject to the following condition or limitation: Not more than \$818,732 of the Outdoor Recreation Account Appropriation of \$14,756,013 shall be expended for administration.

NEW SECTION. Sec. 172. FOR THE COUNCIL ON ENVIRONMENTAL POLICY

General Fund Appropriation \$ 44,324

Total Appropriation. \$ 44,324

NEW SECTION. Sec. 173. FOR THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

General Fund Appropriation—State \$ 3,111,558

General Fund Appropriation—Federal \$ 250,000

Motor Vehicle Fund Appropriation \$ 295,277

Total Appropriation. \$ 3,656,835

The appropriations contained in this section shall be subject to the following condition or limitation: \$286,400 of the general fund appropriation—state shall be available solely for service contracts on a one to one dollar match basis by nonprofit corporations, organizations, councils, or associations involved in local economic development.

NEW SECTION. Sec. 174. FOR THE DEPARTMENT OF FISHERIES

General Fund Appropriation—State \$ 16,134,576

General Fund Appropriation—Federal \$ 3,690,856

General Fund Appropriation—Local \$ 1,392,728

General Fund—Lewis River Hatchery Account

Appropriation \$ 26,640

Vessel, Gear, License, and Permit Reduction

Fund \$ 4,947,000

Total Appropriation. \$ 26,191,800

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) \$200,000 of the general fund appropriation—state shall be expended for the operation of the Spaight Creek rearing unit.

(2) \$12,000 of the general fund appropriation—state shall be expended for an engineering survey of the Dungeness Diversion Dam in Clallam county.

(3) The expenditure of \$4,947,000 of the vessel, gear, license, and permit reduction fund shall be contingent on the enactment of chapter . . . , Laws of 1975 1st ex. sess. (SSB 2574). If chapter . . . , Laws of 1975 1st ex. sess. (SSB 2574) is not enacted into law and federal funds are available to the state for purchase and removal of commercial fishing vessels, it is the intent of the legislature that the department of fisheries shall be the only state agency which may apply for such funds through the unanticipated receipts process.

(4) \$10,000 of the general fund appropriation—state may be utilized in a pilot project in cooperation with the office of the superintendent of public instruction in the establishment of a fisheries resource education program in local school districts. Such funds are to be matched, by school districts participating, on a one to one basis from private or local resources.

NEW SECTION. Sec. 175. FOR THE DEPARTMENT OF GAME

General Fund Appropriation \$ 36,000

General Fund—Outdoor Recreation Account

General Fund—Outdoor Recreation Account

Appropriation \$ 220,759

Game Fund Appropriation—State. \$ 16,922,465

Game Fund Appropriation—Federal \$ 4,210,000

Game Fund Appropriation—Local	\$ 550,000
Total Appropriation.	\$ 21,939,224

The appropriations contained in this section shall be subject to the following condition or limitation:

(1) It is the intent of the legislature that the department shall be required to administer each program so that there shall be a vacancy rate of not greater than five percent and such percentage shall be attained by abolishing vacant positions.

(2) Not less than \$3,218,668 from the game fund appropriation—state, \$1,650,000 from the game fund appropriation—federal, and \$400,000 from the game fund appropriation—local shall be expended on fish management and fish production.

NEW SECTION. Sec. 176. FOR THE FOREST PRACTICES APPEALS BOARD

General Fund Appropriation	\$ 223,005
Total Appropriation.	\$ 223,005

NEW SECTION. Sec. 177. FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund Appropriation—State	\$ 12,412,273
General Fund Appropriation—Federal	\$ 653,035
General Fund—General Contingency Forest Fire	
Suppression Account Appropriation	\$ 1,000,000
General Fund—Landowners Forest Fire	
Suppression Account Appropriation	\$ 1,000,000
General Fund—Resource Management Cost Account	
Appropriation	\$ 29,197,685
General Fund—Forest Development Account	
Appropriation	\$ 5,075,390
State Timber Reserve Fund Appropriation	\$ 1,894,650
General Fund—Outdoor Recreation Account	
Appropriation	\$ 1,840,539
Total Appropriation.	\$ 53,073,572

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) \$1,000,000 of the state general fund appropriation is for emergency fire suppression costs and shall be allocated and transferred to the general contingency forest fire suppression account only as such funds are actually needed for the purpose of paying emergency fire suppression costs.

(2) \$100,000 of the general fund appropriation—state and \$25,000 of the resource management account appropriation shall be expended by the department in a program directed toward the eradication of the star thistle weed (*centaurea solstitialis*) on lands managed by the department. The department shall provide a one-third state share for problem areas adjacent to such lands which are privately owned if participating counties and individual landowners provide their equal one-third shares.

(3) \$483,872 of the general fund—resource management account appropriation and \$44,908 of the general fund—forest development account appropriation may be expended only if chapter . . . , Laws of 1975 ex. sess. (HB 971 or a similar measure) is not enacted into law. Expenditures of such funds shall be for payment of leasehold excise taxes by the department.

(4) \$200,000 of the general fund—resource management account appropriation shall be expended for payment by the department of past due in-lieu excise tax payments.

(5) \$593,035 from the general fund appropriation—federal shall be expended for the job opportunities program to stimulate or expand job creating activities in areas that are suffering from high unemployment.

NEW SECTION. Sec. 178. FOR THE DEPARTMENT OF AGRICULTURE

General Fund Appropriation—State	\$ 5,230,611
General Fund Appropriation—Federal	\$ 140,556

General Fund—Commercial Feed Account	
Appropriation	\$ 226,420
General Fund—Egg Inspection Account	
Appropriation	\$ 306,054
General Fund—Feed and Fertilizer Account	
Appropriation	\$ 12,972
General Fund—Fertilizer, Agricultural, Mineral and Lime Account Appropriation	\$ 217,736
General Fund—Nursery Inspection Account	
Appropriation	\$ 199,251
General Fund—Seed Account Appropriation	\$ 585,610
General Fund—Special Grass Seed Burning Account Appropriation	\$ 85,000
Grain and Hay Inspection Fund Appropriation	\$ 4,928,226
Total Appropriation	\$ 11,932,436

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) The department, in conjunction with the office of program planning and fiscal management shall prepare a report for submission to the legislature not later than January 1, 1976. Such report shall contain provisions for a system which will allow the various agricultural dedicated funds and accounts, whether appropriated or nonappropriated, to financially support the general administration program.

(2) \$272,336 of the state general fund appropriation shall be expended by the department for its one-third share for completion of the special program in conjunction with the noxious weed control boards of the several counties directed toward the eradication of the noxious weed tansy. Continued state expenditures are conditioned on the continuation of payment of an equal one-third share by participating county noxious weed control boards and individual landowners. No county noxious weed control board or individual land owner shall be eligible for the state's one-third share unless such board or landowner has developed a range management program approved by the department in cooperation with the appropriate local or other agency responsible for said conservation. \$67,596 of the \$272,336 shall be expended in cooperation with Washington State University for research into the poisonous properties of tansy ragwort (*Senecio-Jacobaea*). \$37,740 of the \$272,336 shall be expended to support a noxious weed coordinator for the duration of the special program.

(3) The grass seed burning account appropriation shall be expended for research at Washington State University in alternative methods of burning grasses grown for commercial seed production.

(4) Not more than \$27,500 from the state general fund appropriation shall be expended for the continuation of the wetlands survey being conducted by the Water Research Center at Washington State University.

NEW SECTION. Sec. 179. FOR THE TRAFFIC SAFETY COMMISSION

Highway Safety Fund Appropriation	\$ 4,077,374
Total Appropriation	\$ 4,077,374

NEW SECTION. Sec. 180. FOR THE STATE PATROL

General Fund Appropriation—State	\$ 4,996,541
General Fund Appropriation—Federal	\$ 1,892,737
Motor Vehicle Fund Appropriation	\$ 48,773,702
Total Appropriation	\$ 55,662,980

NEW SECTION. Sec. 181. FOR THE VEHICLE EQUIPMENT SAFETY COMMISSION

Motor Vehicle Fund Appropriation	\$ 6,500
Total Appropriation	\$ 6,500

NEW SECTION. Sec. 182. FOR THE DEPARTMENT OF MOTOR VEHICLES

General Fund Appropriation	\$ 3,758,459
General Fund—Architect's License Account Appropriation	\$ 84,046

General Fund—Commercial Automobile Driver Training School

Account Appropriation.	\$ 2,522
General Fund—Optician's Account Appropriation	\$ 3,641
General Fund—Optometry Account Appropriation	\$ 22,324
General Fund—Professional Engineer's Account Appropriation	\$ 234,895
General Fund—Real Estate Commission Account Appropriation	\$ 1,708,136
General Fund—Sanitarian's Licensing Account Appropriation	\$ 8,855
General Fund—Board of Psychological Examiners Account Appropriation	\$ 15,885
Game Fund Appropriation.	\$ 104,744
Highway Safety Fund Appropriation	\$ 16,187,284
Motor Vehicle Fund Appropriation	\$ 12,812,439
Total Appropriation.	\$ 34,943,230

NEW SECTION. Sec. 183. FOR THE AERONAUTICS COMMISSION

General Fund—Search and Rescue Account Appropriation	\$ 36,000
General Fund—Aeronautics Account Appropriation.	\$ 1,057,240
Total Appropriation.	\$ 1,093,240

NEW SECTION. Sec. 184. FOR THE COUNTY ROAD ADMINISTRATION BOARD

Motor Vehicle Fund Appropriation	\$ 222,285
Total Appropriation.	\$ 222,285

The appropriation contained in this section shall be subject to the following condition or limitation: If Substitute Senate Bill No. 2713 is not enacted, \$79,915 shall lapse at the end of the biennium.

NEW SECTION. Sec. 185. FOR THE STATE TREASURER—TRANSFERS

Motor Vehicle Fund Appropriation: For transfer to the Grade Crossing Protective Fund for appropriation to the Utilities and transportation Commission for the 1975-77 biennium to carry out the provisions of RCW 81.52.261, 81.53.271, 81.53.281, and 81.53.291	\$ 575,000
General Fund—Investment Reserve Account Appropriation: For transfer to the General Fund on or before June 29, 1977, pursuant to chapter 50, Laws of 1969	\$ 10,700,000
State Treasurer's Service Fund Appropriation: For transfer to the General Fund on or before June 30, 1976	\$ 2,000,000
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, 1975, through June 30, 1977.	\$ 1,30,000
General Fund—State and Local Improvements Revolving Account—Public Recreation Facilities Appropriation: For transfer to the General Fund—Outdoor Recreation Account on or before June 30, 1977, pursuant to the provisions of section 4(2), chapter 129, Laws of 1972 ex. sess.	\$ 5,000,000
General Fund—State and Local Improvements Revolving Account—Public Recreation Facilities Appropriation: For transfer to the General Fund—Outdoor Recreation Account on or before June 30, 1977, pursuant to the provisions of section 4(1), chapter 129, Laws of 1972 ex. sess.	\$ 3,300,000
General Fund Appropriation: For transfer to the General Fund—Public Facilities Construction Loan and Grant Revolving Account on or before June 30, 1977 as required to meet obligations: PROVIDED, That notwithstanding the provisions of chapter 43.31A RCW, this appropriation shall be allocated to the Planning and Community Affairs Agency to be used exclusively for continuation of the Indian Economic and Employment Assistance Program for projects requested for reservation tribes through the Program Administrator	\$ 1,568,691

NEW SECTION. Sec. 186. FOR BELATED CLAIMS, SUNDRY CLAIMS, ELECTION COSTS, AND CRIMINAL COSTS

The following sums, or so much thereof as shall severally be found necessary are hereby appropriated and authorized to be expended out of the several funds indicated, for the period from the effective date of this act to June 30, 1976, except as otherwise noted.

BELATED CLAIMS

To reimburse the General Fund for Expenditures from Appropriation for Belated Claims to be disbursed on vouchers approved by the State Auditor:

General Fund—Commercial Feed Account Appropriation	\$ 46.24
General Fund—Commission Merchants Account Appropriation	\$ 40.32
General Fund—Contingency Forest Fire Suppression Account Appropriation	\$ 648.49
General Fund—Egg Inspection Account Appropriation	\$ 143.53
General Fund—Electrical License Account Appropriation	\$ 551.08
General Fund—Feed and Fertilizer Account Appropriation	\$.30
General Fund—Fertilizer, Agricultural Mineral and Lime Account Appropriation	\$ 31.08
General Fund—Real Estate Commission Account Appropriation	\$ 887.15
General Fund—Seed Account Appropriation	\$ 73.95
General Fund—Capitol Building Construction Account Appropriation . .	\$ 2,712.00
General Fund—Aeronautics Account Appropriation	\$ 50.70
General Fund—Resource Management Cost Account Appropriation . . .	\$ 3,617.10
General Fund—Seattle Armory Account Appropriation	\$ 461.77
General Fund—Traffic Safety Education Account Appropriation	\$ 16.57
General Fund—Outdoor Recreation Account Appropriation	\$ 5,363.93
Game Fund Appropriation	\$ 3,341.04
Grain and Hay Inspection Fund Appropriation	\$ 1,512.08
Highway Safety Fund Appropriation	\$ 2,182.53
Motor Vehicle Fund Appropriation	\$ 39,645.25
Public Service Revolving Fund Appropriation	\$ 3,116.42
Administrative Contingency Fund Appropriation	\$ 298.32
Agricultural Local Fund Accounts Fund Appropriation	\$ 1,391.17
Horticultural Districts Fund Appropriation	\$ 413.22
General Local Fund Appropriation	\$ 156.60
Clarke-McNary Fund Appropriation	\$ 1,681.16
General Administration Facilities and Services Revolving Fund Appropriation	\$ 358.06
Liquor Board Revolving Fund Appropriation	\$ 36.25
Retirement System Expense Fund Appropriation	\$ 1,083.73
Accident Fund Appropriation	\$ 1,181.51
Medical Aid Fund Appropriation	\$ 654.48
Teachers' Retirement Fund Appropriation	\$ 50.40
Total Appropriation	\$ 71,746.43

SUNDRY CLAIMS

General Fund Appropriations for relief of various individuals, firms, and corporations for sundry reasons to be disbursed on vouchers approved by the State Auditor as follows:

- (1) For restoration of funds from the Washington State Public Employees' Retirement System

FRED R. BOHME	\$ 418.74
GEORGIA ANN COMPTON	\$ 248.61
VERA M. HARMA	\$ 728.26
MARION M. FREITAG	\$ 908.99
SIDNEY W. FUNDIN	\$ 530.07

(2) Payment of transcribing statement of facts for appeals of indigents:	
VIVIAN E. ROBINSON—No. 4855	\$ 76.50
NORENE CAMPBELL—No. IIII-II	\$ 67.50
KATRINA A. HAMMERICH—No. 7252375	\$ 838.00
IRENE GAY—No. 709032	\$ 129.60
ELAINE E. URGUHART—No. 5162	\$ 271.50
CATHERINE WILLIAMS—No. 63120	\$ 35.15
VIVIAN E. ROBINSON—No. 64427	\$ 483.00
(3) PARADISE SKI TOWS, INC., For refund of gas tax paid.	\$ 117.45
(4) MONTGOMERY, PURDUE, BLANKENSHIP, AND AUSTIN, For payment of attorney fees in Washington State Supreme Court causes No. 42570 and No. 42571	\$ 15,676.00
(5) FRANCIS E. NELSON, Payment for destruction of residence by inmate at Rainier School: PROVIDED, That the state auditor is authorized and directed to draw up a separate warrant with voucher, such voucher to be presigned by Francis E. Nelson prior to release of the warrant, which voucher shall state: "The acceptance of this amount releases the state of Washington and all of its political sub- divisions, and their agents, of further claims arising out the destruc- tion of the residence of the claimant by an inmate at Rainier School"	\$ 18,500.00
(6) GARY F. BASS, For attorney fees and costs for representing Francis E. Nelson: PROVIDED, That the state auditor is authorized and directed to draw up a separate warrant with voucher, such voucher to be presigned by Gary F. Bass prior to the release of the warrant, which voucher shall state: "The acceptance of this amount relieves the state of Washington of any further claims by me for legal ser- vices on behalf of Francis E. Nelson and satisfies any claim for legal services I have against my client, Francis E. Nelson, for repre- senting her in the case involving the destruction of residence by an inmate of Rainier School"	\$ 3,500.00
(7) WESTRADE, INC., Payment for refund of utility tax	\$ 14,627.09
(8) DEPARTMENT OF EMPLOYMENT SECURITY, Refund of "Emergency Employment Act" funds	\$ 17,001.76
(9) Payment for loss of personal property lost in armed robbery at liquor store:	
JOSEPH MATSUYAKI	\$ 38.50
WILBUR WRIGHT	\$ 38.00
IRVING R. STEVENSON.	\$ 32.00
(10) Payment for loss of personal tools stolen from Department of Highways Maintenance Shop:	
HERCHEL L. HAMNER	\$ 382.48
ESTATE OF RICHARD F. PICKERINE	\$ 377.58
(11) INGRAM, LELASKO, AND GOODWIN, For payment of legal services for representing an indigent, No. 1452-II	\$ 1,019.90
(12) STANFORD RESEARCH INSTITUTE, For services rendered at Francis-Hadden Morgan Children's Center	\$ 25,413.00
(13) CAWDREY AND VEMO, INC., For payment of judgment against the State of Washington, No. 768324	\$175,000.00
(14) JOHN LOWRIE, For payment of judgment against the State of Washington, No. 18000	\$ 371.00
(15) For payments to widows of policemen in lieu of pension: PRO- VIDED, That the state auditor is authorized and directed to estab- lish such allocation arrangements so as to reduce, to the extent possi- ble, any ineligibility for public assistance that the recipient may be subject to as a result of this appropriation: PROVIDED FUR- THER, That the state auditor shall not make an allocation to a re- cipient named herein if such recipient is deceased on or before the	

effective date of this act:

ALICE KLOAK	\$ 1,428.00
MRS. GEORGE HOODE	\$ 1,678.00
CLAIRE TELLING	\$ 2,000.00
JEAN RICHARDSON	\$ 1,964.00
MRS. SIGNORA HALE	\$ 1,357.00
PAT STOWE	\$ 1,749.00
MARGARET PLAYFORD	\$ 1,714.00
ELIZABETH DICKINSON	\$ 1,178.00
SUZAN KENT	\$ 1,035.00
ADA AASLAND	\$ 1,357.00
MILDRED JORDAN (Now MRS. WM. KEHOE)	\$ 2,000.00
MRS. GLADYS DUGGINS	\$ 1,464.00
MRS. FAYE KEMPER	\$ 1,392.00
JEANIE OVERHOLT	\$ 1,357.00
ERMA E. BETTINGER	\$ 2,000.00
MAUDE COX	\$ 1,678.00
LEVA JOHNSON	\$ 1,642.00
MYRTLE MANNING	\$ 1,535.00
VIVIAN SEXSMITH	\$ 1,607.00
FANNY WAGNER	\$ 1,428.00
BERTHA SAVAGE	\$ 1,821.00
ALVETA JOHNSON	\$ 1,214.00
BETTY WARREN	\$ 1,892.00
VIOLET FARRAR	\$ 1,785.00
MARION OLMSTEAD	\$ 1,607.00
MARY LYONS	\$ 1,678.00
MARIE HERBST	\$ 1,821.00
MARY LUNDBERG	\$ 1,642.00
HELEN PENN	\$ 1,749.00
INA BERGLUND	\$ 1,464.00
GRACE JENSEN	\$ 1,749.00
FRANCES FINNEL	\$ 1,249.00
ESTHER SNYDER	\$ 1,428.00
HAZEL BOLEN	\$ 1,428.00
MAY COVELL	\$ 1,535.00
PAULINE RAMBO	\$ 1,464.00
EDNA OAKES	\$ 1,642.00
EVAN ROBBINS	\$ 1,535.00
RUTH HOUSEHOLDER	\$ 1,249.00
GERTRUDE HALLSON	\$ 1,857.00
RUTH BIGHAM	\$ 1,785.00
ADELSA DOPH	\$ 1,607.00
JANETTE CASE	\$ 1,607.00
LELA HINTON	\$ 1,284.00
ALICE JORDAN	\$ 1,214.00
MILDRED KENNEDY	\$ 1,607.00
ROSA MARCY	\$ 2,000.00

PUBLIC ASSISTANCE BELATED CLAIMS

General Fund Appropriation to the department of social and health services for various vendors in full settlement of services rendered to welfare patients to be paid at the rate of fifty percent of each late billing received for services rendered, on vouchers approved by the department of social ad health services \$401,417.00

CRIMINAL COST BILLS

General Fund Appropriation reimbursing counties for various cost bills in felony cases to be disbursed on vouchers approved by the state auditor:

TREASURER, CLARK COUNTY	\$ 19.90
TREASURER, GRANT COUNTY	\$ 123.40
TREASURER, KING COUNTY	\$18,255.05
TREASURER, KITSAP COUNTY	\$ 1,779.80
TREASURER, OKANOGAN COUNTY	\$ 3,446.00
TREASURER, PIERCE COUNTY	\$ 1,479.00
TREASURER, SNOHOMISH COUNTY	\$ 1,028.70
TREASURER, SPOKANE COUNTY	\$ 449.60
TREASURER, WALLA WALLA COUNTY	\$ 682.90
TREASURER, WHATCOM COUNTY	\$ 176.50
TREASURER, WHITMAN COUNTY	\$ 677.30
TREASURER, YAKIMA COUNTY	\$ 800.20

ELECTION COSTS

General Fund Appropriation reimbursing counties for the state's share of election costs:

ADAMS COUNTY	\$ 3,129.64
ASOTIN COUNTY	\$ 2,564.43
BENTON COUNTY	\$ 4,993.27
CHELAN COUNTY	\$ 7,554.96
CLALLAM COUNTY	\$ 4,501.38
CLARK COUNTY	\$13,700.39
COLUMBIA COUNTY	\$ 671.40
COWLITZ COUNTY	\$ 8,180.41
DOUGLAS COUNTY	\$ 3,175.00
FERRY COUNTY	\$ 2,165.45
FRANKLIN COUNTY	\$ 1,531.96
GARFIELD COUNTY	\$ 776.68
GRANT COUNTY	\$ 5,817.58
GRAYS HARBOR COUNTY	\$ 5,976.53
ISLAND COUNTY	\$ 4,980.01
JEFFERSON COUNTY	\$ 2,023.83
KING COUNTY	\$96,872.20
KITSAP COUNTY	\$ 7,729.22
KITTITAS COUNTY	\$ 4,585.08
Klickitat County	\$ 2,828.19
LEWIS COUNTY	\$ 4,792.43
LINCOLN COUNTY	\$ 1,673.26
MASON COUNTY	\$ 3,216.75
OKANOGAN COUNTY	\$ 4,571.08
PACIFIC COUNTY	\$ 4,996.39
PEND OREILLE COUNTY	\$ 1,115.07
PIERCE COUNTY	\$19,979.18
SAN JUAN COUNTY	\$ 1,357.00
SKAGIT COUNTY	\$ 5,703.13
SKAMANIA COUNTY	\$ 684.39
SNOHOMISH COUNTY	\$11,351.20
SPOKANE COUNTY	\$29,500.93
STEVENS COUNTY	\$ 1,538.38
THURSTON COUNTY	\$10,359.95
WAHKIAKUM COUNTY	\$ 1,489.60
WALLA WALLA COUNTY	\$ 5,844.55
WHATCOM COUNTY	\$ 9,795.78
WHITMAN COUNTY	\$ 7,750.82
YAKIMA COUNTY	\$13,580.15

NEW SECTION. Sec. 187. In accordance with the provisions of this section the office of program planning and fiscal management shall use the allotment process during the 1975-77 biennium to control the funding of the formula portion of the in-

struction and departmental research programs of all the four year institutions of higher education and the community colleges. For the purpose of the controls outlined in this section, deviations in the formula entitlements for faculty staffing shall be the controlling factor. For the purpose of this section, the "contract level" is defined as the formula entitlement level upon which the budget is based, and the "base level" is defined as the formula entitlement level corresponding to the prior year's contract or actual enrollment level, whichever is lower. Controls shall be applied to each four year institution separately and to the community college education system as a total entity. "Growth funding" is defined as that portion of the appropriation by which the contract level exceeds the base level. All growth funds shall be reserved at the time of annual allotments. Such reserves shall be released only to the extent that the contract level is achieved, based upon the office of program planning and fiscal management's population studies section projections of full year enrollments from actual enrollments on the tenth day of the fall term. Growth funding not so released shall lapse at the end of a fiscal year. In any case where actual formula faculty entitlement, as computed from full year enrollments in spring, exceeds the contract level by more than one and one-half percent, appropriated funds equal in amount to the student operating fees derived from such excess enrollment shall be withheld during the same or subsequent year and shall revert to the state general fund following the close of the 1975-1977 biennium.

NEW SECTION. Sec. 188. Notwithstanding the provisions of chapter 82, Laws of 1973 1st ex. sess. the house of representatives, the senate, and the permanent statutory committees shall pay expenses quarterly to the department of general administration, general administration facilities and revolving account, for services rendered by the department for operation, maintenance, and supplies relating to buildings, structures, and facilities utilized by the legislature for the biennium beginning July 1, 1975.

NEW SECTION. Sec. 189. No agency shall reallocate authorized personnel board positions in such a manner that the net cost impact of such reallocations upward and downward will increase agency expenditures for salaries and wages.

NEW SECTION. Sec. 190. All or any portion of the funds provided in sections 149 through 164 of this act for allocation to school districts shall be withheld by the superintendent of public instruction from any school district which expends moneys in excess of such districts certified budget or budget extensions thereto as filed with the office of the superintendent of public instruction and the state board of education.

NEW SECTION. Sec. 191. Every state agency other than institutions of higher education, common school or intermediate school districts, and the legislature, shall have withheld from the allotments or series of allotments to be made to such agencies by the office of program planning and fiscal management during the fiscal year 1977 an amount of money equal to not less than three percent of the funds available for expenditure by each such agency for full time equivalent staff years from the appropriations contained in this act.

NEW SECTION. Sec. 192. Any state agency which receives funds pursuant to the provisions of this act and utilizes any portion of such funds for grants to local public bodies shall not withhold consideration of potential grant projects for local public bodies located within the Trident impact area merely on the basis that federal funds for the same or similar services and/or projects are or will be available at the present time or at some future date.

NEW SECTION. Sec. 193. If any municipality, which shall have pledged the revenue from the special excise tax authorized by RCW 35.58.273 to secure the payment of all or any part of the principal of or interest on any general obligation bonds or revenue bonds issued pursuant to RCW 35.58.279, does not receive state transit assistance sufficient to meet such bond obligations, there is hereby appropriated from the general fund the sum of \$3,000,000, or so much thereof as shall be necessary, to the state treasurer who shall distribute to each such municipality a sum equal to such bond obligation.

NEW SECTION. Sec. 194. It is the expressed intention of the legislature that agency operational activity will be regularly monitored by the office of program planning and fiscal management, under their statutory authority relating to the allotment control function, in order to limit fluctuations in biennial spending patterns which tend

to inflate the final current level base. Particular control emphasis will be placed on those instances in which biennial full time equivalent employment authorization is deliberately delayed in order to increase the agency position count as substantiation for the ensuing biennial request. Unanticipated receipts, which are authorized and expended by any state agency, shall not be used as the basis for expansion of current level full time equivalents, as it relates to legislative appropriations made prior to such authorization, unless definite assurance is made of continuation of funds from the specific source involved.

NEW SECTION. Sec. 195. (1) Federal funds, which were not anticipated relative to the appropriations enacted on the budget approved by the legislature for the biennium ending June 30, 1977, for programs financed from both state and federal revenues, shall be used in lieu of moneys from state or local revenue sources unless prohibited by federal law, rule, regulation or other restriction. The provisions of RCW 43.79.260 through 43.79.280 shall not apply to authorize expenditures beyond either budgeted or appropriated amounts from federal funds subject to this subsection. Exceptions to the rule imposed by this subsection may be granted by the legislature if in session or by the legislative budget committee or its statutory successor during the interim between legislative sessions or when the legislature has been in recess for three days or more.

(2) Notwithstanding the provisions of RCW 43.79.260 through 43.79.280 federal funds which are not subject to subsection (1) of this section and which were not anticipated relative to appropriations enacted or the budget approved by the legislature shall not be allotted for expenditure in excess of either appropriations provided by law or the budget approved by the legislature for the biennium ending June 30, 1977, without prior approval of the legislature if in session or by the legislative budget committee or its statutory successor during the interim between legislative sessions or when the legislature has been in recess for three days or more.

(3) Notwithstanding the provisions of RCW 43.79.260 through 43.79.280 any unanticipated state or local revenues to appropriated funds or accounts shall not be allocated for expenditure in excess of appropriations provided by law or budget approved by the legislature for the biennium ending June 30, 1977, without prior approval of the legislature if in session or by the legislative budget committee or its statutory successor during the interim between legislative sessions or when the legislature has been in recess for three days or more.

NEW SECTION. Sec. 196. The word "agency" used in this act, unless the context requires otherwise, 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-mentioned officials serve.

NEW SECTION. Sec. 197. 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 budget committee, the statute law committee, and any legislative committee; or the judicial branch of state government: PRO-

VIDED FURTHER, 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 revisions 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, 1975; for the sole purpose of authorizing agencies to order goods, supplies, or services for delivery after July 1, 1975: PROVIDED, That no expenditures may be made from the appropriations contained in this act, except as otherwise provided, until after July 1, 1975.

NEW SECTION. Sec. 198. Whenever possible, the receipt of federal or other funds which are not anticipated by the governor's budget or in the appropriations enacted by the legislature shall be used to support regular programs instead of using funds appropriated from state taxes or similar revenue sources.

NEW SECTION. Sec. 199. 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 193 of this act. 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. 200. 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.

NEW SECTION. Sec. 201. Agencies are authorized to make refunds or erroneous or excessive payments and in the case of other refunds, which may be provided by law, without express appropriation therefor.

NEW SECTION. Sec. 202. 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 appropriation shall be necessary to effect such repayment.

NEW SECTION. Sec. 203. In addition to the amounts appropriated in this act for revenue for distribution, excluding those funds appropriated for urban mass transit assistance, 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. 204. 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. 205. 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 or otherwise acquire 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. 206. From the amounts appropriated to the senate and the house of representatives for the expenses and costs of the legislature by section 2, chapter 16, Laws of 1975 1st ex. sess., the senate and house of representatives respectively shall reimburse their members in quarterly amounts of not to exceed one hundred fifty dollars upon presentation of vouchers by a member claiming reimbursement for interim expenses and certified by him that his expenses for such three month period were equal to or in excess of one hundred fifty dollars.

NEW SECTION. Sec. 207. In making expenditures for the salaries of state officers and employees, transfer from one branch of state government to another or within the legislative branch shall be deemed a termination of employment within the meaning of RCW 43.01.041 provided the officer or employee so transferred elects to receive accrued vacation leave by written notice filed with both the transferor and transferee employer at least five days preceding the effective date of the transfer.

NEW SECTION. Sec. 208. 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. 209. This act is necessary for the immediate preservation on the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Signed by: Senators Donohue, Newschwander and Odegaard; Representatives Bagnariol, Shinpooh and Polk.

POINT OF INQUIRY

Senator Lewis (Harry): "Would Senator Donohue yield to a question? Senator Donohue, is this the free conference report we have in front of us?"

Senator Donohue: "Yes, it is, Senator."

Senator Lewis (Harry): "Senator Donohue, I have not had time to go through it and I will work on it tonight, but before we grant you the powers of free conference I would like to ask you the same question I asked you at the close, when we adopted the budget originally, and that is, what position will this put the Senate and the Legislature of the State of Washington in in the January session or in a September or summer session in terms of requiring new taxes to meet the obligations of the state, in your best judgment? Are we locking ourselves into a position of requiring new taxes or not, on the basis of this proposed conference committee report?"

Senator Donohue: "Senator Lewis, I probably could ask the clerk to read my response as of that evening. It is the same response. We are in balance in this budget and the answer is that of course we are faced with many unknowns between now and whenever we come back here, whether it is September or January. However, this budget bill as compared to the budget bill that came out of the Senate is within a very few dollars of the same figure."

Senator Lewis (Harry): "Senator Donohue, would you please direct your remarks to the question as far as your best judgment, will we be required to enact new taxes, either in the forthcoming sessions, including the January session, in order to meet the obligations of the state? In your best judgment, will we be required to levy new taxes as a legislature if we adopt this free conference report?"

Senator Donohue: "Senator, the answer is no, because this free conference report is basically the same as it came out of the Senate."

MOTION

On motion of Senator Mardesich, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference.

MOTION

On motion of Senator Lewis (Harry), Senator Jones was excused to attend a meeting of a Conference Committee.

PARLIAMENTARY INQUIRY

Senator Bailey: "Mr. President, we have on our desks here a report of a conference committee relating to the budget. The point I am raising is this, that as a personal inquiry or parliamentary inquiry, the request for a free conference is on the desk."

President Pro Tempore Henry: "The request for the free conference committee is on the desk and has been granted by the Senate."

Senator Bailey: "The point I am getting at, here is the report that they are making and asking for the powers of free conference."

President Pro Tempore Henry: "The request for the free conference committee is in fact the free conference report."

Senator Bailey: "The point I am asking is, by placing this on the desk, would it be the opinion of the Chair that twenty-four hours from now that we have had, if this is the report offered by the free conference committee twenty-four hours from now that they have fulfilled the notice required by the rules?"

REPLY BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "That is correct."

PARLIAMENTARY INQUIRY

Senator Mardesich: "I have, in view of your ruling, no problem with respect to the Senate position but it would seem to me that the House could take a different position and make the ruling that they should have the report of the free conference committee on their desks for twenty-four hours, so it would seem to me that while both houses are still in session we should prepare that report and have it before us."

REPLY BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "Your point is well taken."

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of the Conference Committee report on Engrossed Substitute House Bill No. 1143.

REPORT OF CONFERENCE COMMITTEE

June 7, 1975.

Mr. Speaker:

Mr. President:

We, of your Conference Committee, to whom was referred Engrossed Substitute House Bill No. 1143, authorizing issuance of bonds for certain community college projects, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

That the following Senate amendments be adopted:

On line 6 of the title;
 On page 1, line 28;
 On page 2, line 35;
 On page 4, striking all of section 11;
 That the amendment to page 2, line 5, be amended as follows:
 On the fifth and sixth lines of the amendment, strike "five hundred and ten" and insert "seven hundred seventy-six"
 Signed by: Senators Donohue, Newschwander and Odegaard; Representatives Bagnariol, Shinpoch and Polk.

MOTION

Senator Mardesich moved that the report of the Conference Committee be adopted and the committee granted the powers of Free Conference.

POINT OF INQUIRY

Senator Lewis (Harry): "Senator Newschwander, I wonder if you could tell us, just in rough terms, what the conference report is? It is in pages and lines — it just appeared on the desk — and tell us what you are doing?"

Senator Newschwander: "On Substitute House Bill No. 1143 this is one of the bonding bills and the House sent it over here to add some extra language that we called garbage. We stripped the House amendments off of it and this is the original bill put together by the bonding attorneys."

The motion by Senator Mardesich carried and the Conference Committee on Engrossed Substitute House No. 1143 was granted the powers of Free Conference.

REPORT OF CONFERENCE COMMITTEE

June 7, 1975.

Mr. Speaker:

Mr. President:

We, of your Conference Committee, to whom was referred Engrossed Substitute House Bill No. 972, authorizing bonds for social and health services facilities, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

Amend the Senate amendment to page 1, line 13 as follows: On the last line of the amendment strike "twenty-two million" and insert "twenty-three million six hundred twenty thousand" and concur in the Senate amendment to page 2, line 32, before "bond" strike "facilities" and insert "construction".

Signed by: Senators Donohue, Newschwander and Odegaard; Representatives Bagnariol, Shinpoch and Polk.

MOTION

On motion of Senator Mardesich, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference.

MESSAGE FROM THE HOUSE

June 7, 1975.

Mr. President: The House refuses to concur in the Senate amendments to Substitute House Bill No. 867 and has granted the request of the Senate for a conference thereon, and the Speaker has appointed as members of the Conference Committee: Representatives Kilbury, Boldt and Amen.

DEAN R. FOSTER, Chief Clerk.

REPORT OF CONFERENCE COMMITTEE

June 7, 1975.

Mr. Speaker:

Mr. President:

We, of your Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 867, appropriating funds for the Washington Future program, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

That the Senate Committee Amendment by the Committee on Ways and Means be adopted with the following amendments to the amendment:

On page 2, line 3, after "agreements;" strike all the material down to and including "representatives" on line 6, and insert "PROVIDED, That such funding for the Second Bacon Siphon and Tunnel, whether in the form of a grant, loan, or combination thereof, shall be contingent on approval by the ways and means committees of the senate and house of the department's negotiations on the funding and financing thereof with the United States Bureau of Reclamation and related federal and local agencies".

On page 5, line 34, after "funded" and before the period, insert ": PROVIDED, HOWEVER, That the department shall inform the ways and means committees of the senate and house of representatives as to the projects which have been preliminarily selected for approval, and as to the proposed terms and conditions of financing related to each such project, at least 30 days prior to the commitment of any state funds under this act".

Signed by: Senators Wilson, Benitz and Jolly; Representatives Kilbury, Amen and Boldt.

MOTION

On motion of Senator Mardesich, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference.

MOTION

On motion of Senator Knoblauch, Senator Talley was excused.

MESSAGE FROM THE HOUSE

June 7, 1975.

Mr. President: The House has adopted the report of the Conference Committee on ENGROSSED HOUSE BILL NO. 587, and has granted the said committee the powers of Free Conference.

DEAN R. FOSTER, Chief Clerk.

REPORT OF FREE CONFERENCE COMMITTEE

June 7, 1975.

Mr. Speaker:

Mr. President:

We, of your Free Conference Committee, to whom was referred ENGROSSED HOUSE BILL NO. 587, providing for creation of West Seattle access development commission, have had the same under consideration, and we recommend that the bill be amended as recommended by the Conference Committee.

Signed by: Senators Walgren, Morrison and Beck; Representatives Patterson, Laughlin and Ceccarelli.

MOTION

On motion of Senator Mardesich, the report of the Free Conference Committee on Engrossed House Bill No. 587 was adopted.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 587, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 30; nays, 6; absent or not voting, 7; excused, 6.

Voting yea: Senators Bailey, Beck, Bluechel, Buffington, Donohue, Fleming, Francis, Goltz, Gould, Guess, Henry, Jolly, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Rasmussen, Sandison, Sellar, Walgren, Wanamaker, Wilson—30.

Voting nay: Senators Cunningham, Grant, Knoblauch, Ridder, Van Hollebeke, von Reichbauer—6.

Absent or not voting: Senators Benitz, Bottiger, Day, Herr, Keefe, Pullen—7.

Excused: Senators Clarke, Jones, Scott, Stortini, Talley, Washington, Woody—6.

ENGROSSED HOUSE BILL NO. 587, 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 Mardesich, the Senate commenced consideration of the House Message on Substitute House Bill No. 378.

MESSAGE FROM THE HOUSE

June 7, 1975.

Mr. President: The House refuses to concur in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 378 to page 2, adding a new section 3 and to the amendment to line 2 of the title, and asks the Senate for a conference thereon, and the Speaker has appointed as members of the conference committee: Representatives Moon, Haussler and Curtis, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Mardesich, the request of the House for a conference on Substitute House Bill No. 378 and the Senate amendments thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 378 and the Senate amendments thereto: Senators Rasmussen, Clarke and Marsh.

MOTION

On motion of Senator Mardesich, the Conference Committee appointments were confirmed.

MESSAGES FROM THE HOUSE

June 7, 1975.

Mr. President: The House has passed SUBSTITUTE SENATE BILL NO. 2469, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

June 7, 1975.

Mr. President: The House has concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1174 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

MOTION

At 7:37 p.m., on motion of Senator Mardesich, the Senate adjourned until 1:00 p.m., Sunday, June 8, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

EIGHTY-SEVENTH DAY

AFTERNOON SESSION

Senate Chamber, Olympia, Sunday, June 8, 1975.

The Senate was called to order at 1:00 p.m. by President Pro Tempore Henry. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Benitz, Francis, Herr, Jones, Keefe, Mardesich, Murray, North, Pullen, Ridder, Sandison, Walgren and Woody. On motion of Senator Knoblauch, Senators Herr, Keefe and Ridder were excused. On motion of Senator Lewis (R. H. "Bob"), Senators Benitz, North and Pullen were excused.

The Color Guard, consisting of Pages Jocelyn Langlois and David Lee, presented the Colors. Reverend Paul J. Beeman, pastor of the First United Methodist Church of Olympia, offered the following prayer:

"O GOD, OUR FATHER, WE REMEMBER HOW ST. JOHN WROTE THAT HE SAW A HEAVEN AND A NEW EARTH COMING DOWN OUT OF HEAVEN FROM GOD. WE ADMIT THAT THIS SESSION HAS NOT EXACTLY PRODUCED A NEW HEAVEN AND EARTH. BUT IN THESE WANING HOURS OF WORK, WE OFFER THE WORK OF THESE SENATORS BACK TO YOU. THIS IS THEIR GIFT, THEIR OFFERING ON THE ALTAR OF GOD FOR THE GOOD OF MAN. WHERE THEIR WORK HAS BEEN SOUND, THE LAWS GOOD, AND THE TREATMENT FAIR, WE PRAY THAT YOU WILL BLESS THEIR EFFORTS, MULTIPLY THEM FOR THE GOOD OF OUR CITIZENS. WE PRAY, TOO, AS WE DO FOR ALL OF OUR ACTIVITIES, THAT WHERE THEIR WORK HAS BEEN INADEQUATE, OR EVEN HARMFUL, WE PRAY ON THEIR BEHALF FOR FORGIVENESS, AND THAT THOSE PORTIONS WILL NOT PROSPER. DO THOU, O GOD, SIFT GOOD WHEAT FROM THE CHAFF, AND BLESS ALL THAT IS GOOD AND WORTHY, AND UPBUILDING OF THE HUMAN FAMILY.

"AS THE SENATORS PREPARE FOR THE DIFFICULT JOB OF SHIFTING GEARS PROFESSIONALLY, AND RETURNING TO THE HEAVY TASKS OF HOME AND WORK AND MORE NORMAL LIFE, GIVE TO EACH ONE OF THEM THE STRENGTH, THE COURAGE, AND THE INNER PEACE THEY NEED.

"AND NOW, ENABLE THEM FOR THE TASKS OF THIS DAY. MAKE IT USEFUL AND PRODUCTIVE, WE PRAY IN THE MASTER'S NAME. AMEN."

MOTION

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

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE SENATE BILL NO. 2280.

MESSAGE FROM THE GOVERNOR

June 7, 1975.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

LADIES AND GENTLEMEN:

I have the honor to advise that on June 6, 1975, Governor Evans approved the following Senate Bills, entitled:

SENATE BILL NO. 2292, implementing the law relating to professional personnel in school districts, their certification and institutes or workshops.

SENATE BILL NO. 2501, permitting departmental post-audits at reasonable intervals.

SENATE BILL NO. 2862, deleting local government employees from law setting holidays for state employees.

Sincerely,
CHI-DOOH LI
Legal Counsel.

MESSAGES FROM THE HOUSE

June 7, 1975.

Mr. President: The House has passed:

ENGROSSED HOUSE BILL NO. 1119,

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 7, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

June 7, 1975.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2265, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

June 7, 1975.

Mr. President: The House has passed:

ENGROSSED SENATE BILL NO. 2670,

SENATE BILL NO. 2944, and the same are herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

June 7, 1975.

Mr. President: The House has concurred in the Senate amendment to HOUSE BILL NO. 695 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

June 7, 1975.

Mr. President: The House has adopted the report of the Conference Committee on ENGROSSED HOUSE BILL NO. 774 and has granted said committee the powers of Free Conference.

DEAN R. FOSTER, Chief Clerk.

June 7, 1975.

Mr. President: The House has adopted the report of the Conference Committee on ENGROSSED SENATE BILL NO. 2840 and has passed the bill as amended by the Conference Committee, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

REPORT OF CONFERENCE COMMITTEE

June 7, 1975.

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SENATE BILL NO. 2840, relating to sentencing, have had the same under consideration, and we recommend that the House do recede from its amendments.

Signed by: Senators Francis, Walgren and Pullen; Representatives Smith (Rick), Seeberger and Deccio.

MOTION

On motion of Senator Bailey, the report of the Conference Committee was adopted.

MOTION

On motion of Senator Bailey, the Senate commenced consideration of the House Message on Senate Bill No. 2633.

MESSAGE FROM THE HOUSE

June 7, 1975.

Mr. President: The House has passed SENATE BILL NO. 2633 with the following amendment:

On page 1, line 13, after "program" strike all remaining language down to the final period, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Stortini, the Senate concurred in the House amendment to Senate Bill No. 2633.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2633, as amended by the House; and the bill passed the Senate by the following vote: Yeas, 37; absent or not voting, 6; excused, 6.

Voting yea: Senators Bailey, Beck, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Goltz, Gould, Grant, Guess, Henry, Jolly, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, Matson, Morrison, Murray, Newschwander, Odegaard, Peterson, Rasmussen, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Woody—37.

Absent or not voting: Senators Bluechel, Francis, Jones, Mardesich, McDermott, Walgren—6.

Excused: Senators Benitz, Herr, Keefe, North, Pullen, Ridder—6.

SENATE BILL NO. 2633, 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 Sandison, the Senate commenced consideration of the House Message on Engrossed Senate Bill No. 2172.

MESSAGE FROM THE HOUSE

June 7, 1975.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2172 with the following amendment:

On page 1, beginning on line 21 of the engrossed bill, being the Senate amendment to page 1, after "assessed" strike "[and collected]" and insert "and collected", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Clarke, the Senate concurred in the House amendment to Engrossed Senate Bill No. 2172.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2172, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; absent or not voting, 4; excused, 5.

Voting yea: Senators Bailey, Beck, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Jolly, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, Matson, McDermott, Morrison, Murray, Newschwander, Odegaard, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Woody—40.

Absent or not voting: Senators Jones, Mardesich, Peterson, Walgren—4.

Excused: Senators Benitz, Herr, Keefe, North, Pullen—5.

ENGROSSED SENATE BILL NO. 2172, 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 Sandison, the Senate commenced consideration of the House Message on Engrossed Senate Bill No. 2348.

MESSAGE FROM THE HOUSE

June 7, 1975.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2348 with the following amendments:

On page 2, line 18, after "moneys" insert ", including funds made available pursuant to chapter 47.30 RCW,"

On page 3, line 26, after "moneys" insert ", including funds made available pursuant to chapter 47.30 RCW," and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Guess, the Senate concurred in the House amendments to Engrossed Senate Bill No. 2348.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2348, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; absent or not voting, 3; excused, 5.

Voting yea: Senators Bailey, Beck, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Jolly, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, Matson, McDermott, Morrison, Murray, Newschwander, Odegard, Peterson, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Woody—41.

Absent or not voting: Senators Jones, Mardesich, Walgren—3.

Excused: Senators Benitz, Herr, Keefe, North, Pullen—5.

ENGROSSED SENATE BILL NO. 2348, 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 Sandison, the Senate commenced consideration of the House Message on Engrossed Senate Bill No. 2422.

MESSAGE FROM THE HOUSE

June 7, 1975.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2422 with the following amendments:

On page 1, line 3 of the title, after "46.16.380;" strike "and" and on line 4, after "46.61.580" insert "; declaring an emergency and providing an effective date".

On page 1, line 18, beginning with "[Whenever" strike all material down to and including "director.]" on line 23, and insert "*Such a privileged person shall also be entitled to receive for one motor vehicle only, a special decal to be affixed to the vehicle in a conspicuous place designated by the director, bearing distinguishing marks, letters or numerals indicating that the vehicle is owned by or primarily used for such a privileged person. Whenever such owner transfers or assigns his interest in such vehicle, the special decal shall be removed. Such person shall immediately surrender the decal to the director together with a notice of the transfer of interest in such vehicle. If another vehicle is acquired by, or for the primary use of, such person, a new decal shall be issued by the director.*"

On page 1, line 23, after "renewal" insert ", except for the permanently disabled who shall be issued a permanent card,".

On page 1, line 25, after "special" strike "[decal] card" and insert "card and decal".

On page 1, line 26, after "special" strike "[decal] card" and insert "card and decal".

On page 1, line 29, after "distinguishing" strike "[decal] card" and insert "card and decal".

On page 2, line 13, after "distinguishing" strike "[decal] card" and insert "card or decal".

On page 2, following section 2, insert a new section as follows:

"*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 on July 1, 1975.*", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Rasmussen, the Senate concurred in the House amendments to Engrossed Senate Bill No. 2422.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2422, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 1; excused, 4.

Voting yea: Senators Bailey, Beck, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—44.

Absent or not voting: Senator Mardesich—1.

Excused: Senators Benitz, Herr, Keefe, Pullen—4.

ENGROSSED SENATE BILL NO. 2422, 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 Sandison, the Senate commenced consideration of the House Message on Senate Bill No. 2114.

MESSAGE FROM THE HOUSE

June 7, 1975.

Mr. President: The House has passed SENATE BILL NO. 2114 with the following amendment:

On page 1, beginning on line 14, after "city." strike all material down to and including "ordinance." on line 15, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Francis, the Senate concurred in the House amendment to Senate Bill No. 2114.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2114, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

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

Excused: Senators Benitz, Herr, Keefe, Pullen—4.

SENATE BILL NO. 2114, 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 Sandison, the Senate commenced consideration of the House Message on Engrossed Senate Bill No. 2613.

MESSAGE FROM THE HOUSE

June 7, 1975.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2613 with the following amendments:

On page 1, line 4, after "arraignment" insert "in a court of limited jurisdiction".

On page 1, line 9, after ", or" strike "emotional and/or".

On page 1, beginning on line 22, after "a mental" strike "or emotional".

On page 1, line 24, after "Sec. 4." strike all material down to and including "center" on line 25, and insert "The facility or center to which such person is referred."

On page 2, line 26, after "showing the" strike "change," and insert "charge and".

On page 2, line 27, after "prosecution" strike ", and the defendant's treatment plan".

On page 3, line 19, after "similar" insert "and committed subsequent"

On page 3, line 34, after "provide" strike all material down to and including "program" on line 35 and insert "investigation, examination, report and treatment plan", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Marsh, the Senate concurred in the House amendments to Engrossed Senate Bill No. 2613.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2613, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

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

Excused: Senators Benitz, Herr, Keefe—3.

ENGROSSED SENATE BILL NO. 2613, 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 Sandison, the Senate commenced consideration of the House Message on Engrossed Senate Bill No. 2863.

MESSAGE FROM THE HOUSE

June 7, 1975.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2863 with the following amendment:

On page 1, line 14 after "regulations" strike "shall" and insert "need", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Stortini, the Senate concurred in the House amendment to Engrossed Senate Bill No. 2863.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2863, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 1; excused, 3.

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

Absent or not voting: Senator Guess—1.

Excused: Senators Benitz, Herr, Keefe—3.

ENGROSSED SENATE BILL NO. 2863, 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 Sandison, the Senate commenced consideration of the House Message on Engrossed Senate Bill No. 2663.

MESSAGE FROM THE HOUSE

June 7, 1975.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2663 with the following amendment:

On page 1, after line 7, strike all language through the end of the bill on line 17, page 2 and insert the following:

"[Notwithstanding any provisions of law to the contrary, the director of the department of motor vehicles shall] *The board may, without examination, issue a limited license to persons who possess the qualifications set forth herein;*

(1) *The board may, upon the written request of the secretary of the department of social and health services, issue a [conditional certificate or] limited license to practice medicine [and surgery] in this state to [such person or] persons [as requested by the secretary of the department of social and health services:] who have been accepted for employment by the department as physicians [or psychiatrists]; who are licensed to practice medicine [and surgery] in another state of the United States or in the country of Canada or any province or territory thereof; and who [are graduates of a medical school accredited and approved in accordance with the provisions of RCW 18.71.055, as now or hereafter amended; any such license or conditional certificate to practice medicine and surgery in this state shall be issued by the director of the department of motor vehicles, and in addition to the above requirements shall be subject to the following limitations, which shall be set forth therein:] meet all of the qualifications for licensure set forth in RCW 18.71.050.*

[(1) The licensee shall only] *Such license shall permit the holder thereof to practice [the profession of] medicine [and surgery] only in [conjunction] connection with patients, residents, or inmates of the state institutions under the control and supervision of the secretary of the department of social and health services, and only under the direct supervision of the chief medical officer of the institution in which the licensee is employed.*

(2) *The board may issue a limited license to practice medicine in this state to persons who have been accepted for employment by a county or city health department as physicians; who are licensed to practice medicine in another state of the United States or in the country of Canada or any province or territory thereof; and who meet all of the qualifications for licensure set forth in RCW 18.71.050.*

Such license shall permit the holder thereof to practice medicine only in connection with his or her duties in employment with the city or county health departments.

(3) Upon receipt of a completed application showing that the applicant meets all of the requirements for licensure set forth in RCW 18.71.050 except for completion of one year of postgraduate medical training, and that the applicant has been appointed as a resident physician in a program of postgraduate clinical training in this state approved by the board, the board may issue a limited license to a resident physician. Such license shall permit the resident physician to practice medicine only in connection with his duties as a resident physician and shall not authorize him to engage in any other form of practice. Each resident physician shall practice medicine only under the supervision and control of a physician licensed in this state, but such supervision and control shall not be construed to necessarily require the personal presence of the supervising physician at the place where services are rendered.

[(2) The licensee] All persons licensed under this section shall be subject to the jurisdiction of the medical disciplinary board to the same extent as other members of the medical profession, in accordance with chapter 18.72 RCW, and in addition, the [conditional] limited license [or certificate] to practice medicine [and surgery] in the state of Washington may be revoked by the medical disciplinary board after a hearing has been held in accordance with the provisions set forth in chapter 18.72 RCW, and determination made by the medical disciplinary board that such licensee has violated the limitations set forth [in subsection (1) hereof] herein.

[(3) Such license shall remain in full force and effect only so long as the licensee remains an employee of the department of social and health services, and his duties as such employee require him to practice the profession of medicine and surgery, unless such conditional license or certificate is revoked or suspended by the medical disciplinary board, in accordance with the provisions of chapter 18.72 RCW.]

Persons applying for licensure pursuant to this section shall pay an application fee of twenty-five dollars and, in the event the license applied for is issued, a license fee at the rate provided for renewals of licenses generally. Licenses issued hereunder may be renewed annually pursuant to the provisions of RCW 18.71.080: PROVIDED, That a limited license for a resident physician may not be renewed until such resident physician has successfully completed either all parts of the examination given by the national board of medical examiners or an equivalent examination approved by the board. Interim approval may be granted until the result of such examination becomes available. Any person who obtains a limited license pursuant to this section may, without an additional application fee, apply for licensure under this chapter.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

Senator McDermott moved the Senate do not concur in the House amendment to Engrossed Senate Bill No. 2663 and ask the House to recede therefrom.

POINT OF INQUIRY

Senator Lewis (Harry): "Will Senator McDermott yield? What are the amendments, Senator McDermott, you are talking about?"

Senator McDermott: "This bill is a combination of two things. It started out as a bill to license Canadian and English physicians for city health departments. That was passed into law in the Medical Practice Act. They then took the title and amended on to it conditional licenses, and sent it over to cover themselves, not being sure whether or not the Medical Practice Act would pass and it is really redundant, the whole bill, at this point."

POINT OF INQUIRY

Senator Van Hollebeke: "Will Senator McDermott yield? What are the conditional licenses all about, Senator McDermott, that you referred to in the amendment they stuck on here?"

Senator McDermott: "The answer to your question, Senator Van Hollebeke, is that the conditional licenses have to do with people who come into the United States to prac-

tice medicine but do not have proper licensure. They can work for a city or a county or a state health department in places like prisons or clinics, under supervision, until they get their license, and that is what the conditional license is about."

Senator Van Hollebeke: "Did we have that in another bill? It seems that that sounds familiar and I am not sure."

Senator McDermott: "That bill has passed here, I think, three times this session now."

Senator Van Hollebeke: "All right. That is not the part you refer to as being redundant though, is it? That has not passed into law, has it?"

Senator McDermott: "Both parts of it have passed into law. Senator Bottiger has made the suggestion we just lay the whole bill on the table because it is really not necessary."

Senator Van Hollebeke: "I was just trying to find out what it does at this point so I would know how I would vote."

MOTION

Senator Day moved that Engrossed Senate Bill No. 2663 be referred to the Committee on Social and Health Services.

Debate ensued.

The motion by Senator Day carried. Engrossed Senate Bill No. 2663 was referred to the Committee on Social and Health Services.

MOTION

On motion of Senator Sandison, the Senate commenced consideration of the House Message on Engrossed Senate Bill No. 2894.

MESSAGE FROM THE HOUSE

June 7, 1975.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2894 with the following amendment:

On page 1, line 7 beginning with "Every operator" strike all material down to and including "injury" on line 11 and insert the following:

"Every operator, *whether private or public, of an ambulance service or of a hospital, and every duly licensed nurse, practitioner, physician, and surgeon rendering service, or transportation and care, for any person who has received a traumatic injury and which is rendered by reason thereof*", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Day, the Senate concurred in the House amendment to Engrossed Senate Bill No. 2894.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2894, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

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

Excused: Senators Benitz, Herr, Keefe—3.

ENGROSSED SENATE BILL NO. 2894, 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 Bailey, the Senate commenced consideration of the House Message on Engrossed Senate Bill No. 2895.

MESSAGE FROM THE HOUSE

June 7, 1975.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2895 with the following amendments:

On page 1, line 30, after "state" and before "board" insert "or local".

On page 2, line 2, after "state" and before "board" insert "or local", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Day, the Senate concurred in the House amendments to Engrossed Senate Bill No. 2895.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2895, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; nays, 2; excused, 3.

Voting yea: Senators Bailey, Beck, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—44.

Voting nay: Senators Cunningham, Pullen—2.

Excused: Senators Benitz, Herr, Keefe—3.

ENGROSSED SENATE BILL NO. 2895, 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 Sandison, the Senate advanced to the eighth order of business.

MOTION

Senator Goltz moved adoption of the following resolution:

SENATE RESOLUTION 1975-120

By Senators Goltz, Washington and Lewis (Harry):

WHEREAS, On this Sunday, June 8, 1975, the National American Revolution Bicentennial Celebration begins in the State of Washington with the departure of a wagon train from the northwest border city of Blaine, Washington; and

WHEREAS, This wagon train will represent this state on its thirteen-month commemorative journey across the United States to join other wagons from other states at Valley Forge, Pennsylvania, on July 4, 1976; and

WHEREAS, This wagon train will be making this journey well within the maximum fifty-five miles per hour speed limit of this state, thereby setting a model for safety and energy conservation; and

WHEREAS, Axle grease will be the primary petroleum product used by the wagon train, further conserving our valuable petroleum resources; and

WHEREAS, The horsepower used to pull the wagons is so engineered as to bring it well within the pollution emission standards of the Washington State Senate;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate, assembled in Olympia, Washington, in the final hours of its forty-fourth session, does hereby wish the Washington State Bicentennial Wagon Train Godspeed on its journey; and

BE IT FURTHER RESOLVED, That the Senate dispatch the Secretary of the Senate on a horse to carry this Resolution to the wagon train enroute, or to otherwise cause it to be delivered to the Wagonmaster and other appropriate offices of the American Bicentennial Commission.

POINT OF INQUIRY

Senator Bailey: "Would Senator Lewis yield? Senator Lewis, I am rather shocked to see this last paragraph about the horse and you are sponsoring this resolution and you passed through this body the cruelty to animals measure, and I just think it does not conform with that cushion on the trap jaw that you are trying to get through here."

Senator Lewis (Harry): "I think Senator Bailey's point is well taken. I would move that instead of horse we substitute 'team of horses.'"

Senator Talley: "I was going to say that we should insert 'mule.'"

President Pro Tempore Henry: "No, there is one executive of the state that should have that."

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

MOTION

At 2:10 p.m., on motion of Senator Bailey, the Senate recessed until 3:00 p.m.

SECOND AFTERNOON SESSION

President Pro Tempore Henry called the Senate to order at 3:00 p.m.

MOTION

On motion of Senator Mardesich, the Senate returned to the second order of business.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of the Free Conference Report on Engrossed House Bill No. 774.

REPORT OF FREE CONFERENCE COMMITTEE

June 8, 1975.

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred ENGROSSED HOUSE BILL NO. 774, relating to and licensing massage businesses, have had the same under consideration, and we recommend that the Conference Committee report be adopted.

Signed by: Senators Day, Scott and Wilson; Representatives Parker, Dunlap and O'Brien.

MOTION

On motion of Senator Day, the report of the Free Conference Committee on Engrossed House Bill No. 774 was adopted.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 774, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 2; excused, 3.

Voting yea: Senators Bailey, Beck, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—44.

Absent or not voting: Senators Donohue, Sellar—2.

Excused: Senators Benitz, Herr, Keefe—3.

ENGROSSED HOUSE BILL NO. 774, 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 CONFERENCE COMMITTEE

June 8, 1975.

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED HOUSE BILL NO. 310, prescribing allocation of revenue from test fishing operation, have had the same under consideration, and we recommend that the Senate amendment to Engrossed House Bill No. 310 be adopted.

Senators Donohue, Lewis (Harry) and Peterson; Representatives Martinis, Conner and Hansey.

MOTION

On motion of Senator Mardesich, the report of the Conference Committee was adopted.

MESSAGES FROM THE HOUSE

June 8, 1975.

Mr. President: The Speaker signed SUBSTITUTE SENATE BILL NO. 2280, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

June 8, 1975.

Mr. President: The Speaker has signed:

HOUSE BILL NO. 12,

SUBSTITUTE HOUSE BILL NO. 427,

HOUSE BILL NO. 436,

SUBSTITUTE HOUSE BILL NO. 818,

SECOND SUBSTITUTE HOUSE BILL NO. 1007, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 12,

SUBSTITUTE HOUSE BILL NO. 427,

HOUSE BILL NO. 436,

SUBSTITUTE HOUSE BILL NO. 818,
SECOND SUBSTITUTE HOUSE BILL NO. 1007.

MOTION

On motion of Senator Mardesich, the Senate advanced to the seventh order of business.

THIRD READING

ENGROSSED SENATE BILL NO. 2341, by Senators Bottiger, Beck and Matson (by Utilities and Transportation Commission request):

Making certain changes in the laws relating to public service companies.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 2341, as amended by the Conference Committee, on reconsideration.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2341, as amended by the Conference Committee, and the bill, on reconsideration, passed the Senate by the following vote: Yeas, 28; nays, 17; absent or not voting, 1; excused, 3.

Voting yea: Senators Bailey, Beck, Bottiger, Day, Donohue, Fleming, Francis, Goltz, Grant, Henry, Jolly, Knoblauch, Mardesich, Marsh, McDermott, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Woody—28.

Voting nay: Senators Bluechel, Buffington, Clarke, Cunningham, Gould, Guess, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Matson, Morrison, Murray, North, Pullen, Scott, Sellar, Wanamaker—17.

Absent or not voting: Senator Newschwander—1.

Excused: Senators Benitz, Herr, Keefe—3.

ENGROSSED SENATE BILL NO. 2341, as amended by the Conference Committee, having received the constitutional majority, on reconsideration, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Mardesich, all bills passed by the Senate thus far today were ordered immediately transmitted to the House.

On motion of Senator Mardesich, the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

May 30, 1975.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 413 to page 2, lines 12, 30 and 35; but refuses to concur in the Senate amendments to line 3 of the title and to page 3, and asks the Senate to recede therefrom, and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

MOTION

Senator Stortini moved the Senate do recede from the Senate amendments to Engrossed Substitute House Bill No. 413 to line 3 of the title and to page 3.

POINT OF INQUIRY

Senator Day: "Would Senator Stortini yield? I would like a further explanation of that. I have had some communication with some of the House members relative to this bill and saying that these were bad amendments, that we should not concur. Would you further explain what the amendments do?"

Senator Stortini: "Yes. The amendment is basically a bill that we passed on this floor twice, Senate Bill 2210, which simply says that in extracurricular events you can charge for gates, you can charge for an activity ticket. The first time that bill was on the floor, Senator Day, it passed 44 to 1; the second time it passed unanimously. That was deleted from 413 by the House and we are simply concurring that we should recede from that because 2210 is in conference by itself at the present time."

Senator Day: "Now you have got me thoroughly confused. You moved that we do concur. Did the House amendment strike that language?"

Senator Stortini: "No, I moved that we recede from the Senate amendment that we put on about three or four weeks ago."

Senator Day: "I see, Okay."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 413, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 38; nays, 7; absent or not voting, 1; excused, 3.

Voting yea: Senators Bailey, Beck, Bluechel, Bottiger, Buffington, Cunningham, Donohue, Fleming, Francis, Goltz, Gould, Grant, Henry, Knoblauch, Lewis (Harry), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—38.

Voting nay: Senators Clarke, Day, Jolly, Jones, Lewis (R. H. "Bob"), Pullen, Rasmussen—7.

Absent or not voting: Senator Guess—1.

Excused: Senators Benitz, Herr, Keefe—3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 413, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Engrossed Substitute House Bill No. 972.

MESSAGE FROM THE HOUSE

June 8, 1975.

Mr. President: The House has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 972, and has granted said committee the powers of Free Conference.

DEAN R. FOSTER, Chief Clerk.

REPORT OF FREE CONFERENCE COMMITTEE

June 8, 1975.

Mr. Speaker:

Mr. President:

We of your Free Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 972, authorizing bonds for social and health services facilities, have had the same under consideration, and we recommend that the bill be amended as follows:

Amend the Senate amendment to page 1, line 13 as follows: On the last line of the amendment strike "twenty-two million" and insert "twenty-three million six hundred

twenty thousand" and concur in the Senate amendment to page 2, line 32, before "bond" strike "facilities" and insert "construction".

Signed by: Senators Donohue, Odegaard and Newschwander; Representatives Shinpoch, Bagnariol and Polk.

MOTION

Senator Donohue moved that the report of the Free Conference Committee be adopted.

POINT OF INQUIRY

Senator Cunningham: "Mr. President, I wonder if Senator Donohue would yield? Senator Donohue, I just briefly would like to know what this other one million six hundred thousand dollars is for."

Senator Donohue: "Senator Cunningham, it took me a while to find it because I was going to explain this later when we had the capital bill in front of us which the House has not signed the free conference committee report yet. Incidentally, if they do not sign the capital budget, why this is immaterial anyway, but the additions that are reflected here, some of them are a new building at Purdy Correctional Center, a covered playground at Naselle, ninety-four thousand at Monroe Reformatory for stack emission, to complete phase two of the boiler replacement project at Fircrest School, utilities and repair at Fircrest School, the DSHS preplanning funds for capital projects, the hospitals construction projects which we deleted in the Senate for Eastern has been restored, and it also provides for twelve thousand five hundred dollars for the construction of an outside elevator at the school for the blind, and it all totals up to that figure. These are restorations that were made in the conference committee from those that we had deleted in the Senate when the bill came over from the House and they were restored."

POINT OF INQUIRY

Senator Van Hollebeke: "Would Senator Donohue yield to a further question? Senator Donohue, do you have the figures broken out so you can give me the total figure for those two projects you mentioned at Fircrest, which is in my district?"

Senator Donohue: "Yes, the add back of the House request was for three hundred and sixty-seven thousand seven hundred dollars to complete phase two at Fircrest and an add back from the House for additional repairs and utilities repairs of one hundred and sixty-five thousand seven hundred and thirty-five dollars."

Senator Van Hollebeke: "Add those two figures together then, a little over five hundred. Thank you."

The motion by Senator Donohue carried and the report of the Free Conference Committee was adopted.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 972, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 2.

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

Absent or not voting: Senator Talley—1.

Excused: Senators Benitz, Keefe—2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 972, 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 Mardesich, the Senate commenced consideration of the House Message on Substitute House Bill No. 693.

MESSAGE FROM THE HOUSE

June 8, 1975.

Mr. President: The House has adopted the report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 693, and has granted said committee the powers of Free Conference.

DEAN R. FOSTER, Chief Clerk.

REPORT OF FREE CONFERENCE COMMITTEE

June 8, 1975.

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, to whom was referred Substitute House Bill No. 693, requiring advertising public contracts in a newspaper in the part of the county where the work is to be done have had the same under consideration, and we recommend that the bill be amended as follows:

On page 1, line 24, after "done" insert "": *PROVIDED, HOWEVER, That if the county official newspaper is a newspaper of general circulation covering at least forty percent of the residences in that part of the county in which such work is to be done publication of an advertisement of the applicable specifications in the county official newspaper only shall be sufficient*"

Signed by: Senators Fleming, Marsh and Jones; Representatives North, Haussler and Leckenby.

MOTION

On motion of Senator Fleming, the report of the Free Conference Committee on Substitute House Bill No. 693 was adopted.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 693, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 44; nays, 3; excused, 2.

Voting yea: Senators Bailey, Beck, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, von Reichbauer, Walgren, Wanamaker, Washington—44.

Voting nay: Senators Van Hollebeke, Wilson, Woody—3.

Excused: Senators Benitz, Keefe—2.

SUBSTITUTE HOUSE BILL NO. 693, 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 Mardesich, the Senate commenced consideration of the House Message on Engrossed Senate Bill No. 2401.

MESSAGE FROM THE HOUSE

June 8, 1975.

Mr. President: The House has adopted the report of the Conference Committee on ENGROSSED SENATE BILL NO. 2401 and has passed the bill as amended by the Conference Committee, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

REPORT OF CONFERENCE COMMITTEE

June 8, 1975.

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SENATE BILL NO. 2401, providing for adjustment of workmen's compensation payment, have had the same under consideration, and we recommend that the House amendments to page 2, line 14, page 2, line 15, page 2, line 26, page 1, line 4 of the title, and page 1, line 5 of the title not be adopted.

Signed by: Senators Grant, Morrison and Ridder; Representatives Savage, Freeman and King.

MOTION

On motion of Senator Ridder, the report of the Conference Committee on Engrossed Senate Bill No. 2401 was adopted.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2401, as amended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

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

Excused: Senators Benitz, Keefe—2.

ENGROSSED SENATE BILL NO. 2401, 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.

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MOTION

On motion of Senator Mardesich, the Senate commenced consideration of the House Message on Engrossed Senate Bill No. 2090.

MESSAGE FROM THE HOUSE

June 8, 1975.

Mr. President: The House has adopted the report of the Conference Committee on ENGROSSED SENATE BILL NO. 2090 and has granted said committee the powers of Free Conference.

DEAN R. FOSTER, Chief Clerk.

REPORT OF CONFERENCE COMMITTEE

June 7, 1975.

Mr. Speaker:

Mr. President:

We, of your Conference Committee, to whom was referred ENGROSSED SENATE BILL NO. 2090, making miscellaneous changes in education code, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference in order to make the following changes:

That the House committee amendment to page 2, line 25 be not adopted;

On page 2, line 25, strike all of new section 4 and renumber remaining sections consecutively.

Signed by: Senators Stortini, Newschwander and Marsh; Representatives Bauer, Bender and Hayner.

MOTION

Senator Stortini moved that the report of the Conference Committee be adopted and the committee granted the powers of Free Conference.

POINT OF INQUIRY

Senator Pullen: "Would Senator Stortini yield to a question? Is this the bill that repeals the restrictions on alien teachers?"

Senator Stortini: "Yes, it is, Senator Pullen."

The motion by Senator Stortini carried and the Conference Committee was granted the powers of Free Conference.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of the House Message on Engrossed Substitute House Bill No. 1143.

MESSAGE FROM THE HOUSE

June 8, 1975.

Mr. President: The House has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1143 and has granted said committee the powers of Free Conference.

DEAN R. FOSTER, Chief Clerk.

REPORT OF FREE CONFERENCE COMMITTEE

June 8, 1975.

Mr. Speaker:

Mr. President:

We, of your Free Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1143, authorizing issuance of bonds for certain community college projects, have had the same under consideration, and we recommend that the bill be amended as follows:

That the following Senate amendments be adopted:

On line 6 of the title;

On page 1, line 28;

On page 2, line 35;

On page 4, striking all of section 11;

That the amendment to page 2, line 5, be amended as follows:

On the fifth and sixth lines of the amendment, strike "five hundred and ten" and insert "seven hundred seventy-six".

Signed by: Senators Donohue, Newschwander and Odegaard; Representatives Shinpoch, Bagnariol and Polk.

MOTION

On motion of Senator Donohue, the report of the Free Conference Committee on Engrossed Substitute House Bill No. 1143 was adopted.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1143, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; absent or not voting, 1; excused, 2.

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

Voting nay: Senator Talley—1.

Absent or not voting: Senator von Reichbauer—1.

Excused: Senators Benitz, Keefe—2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1143, 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.

MESSAGES FROM THE HOUSE

June 8, 1975.

Mr. President: The House has granted the request of the Senate for a conference on ENGROSSED SENATE BILL NO. 2210 and the House amendments thereto, and the Speaker has appointed as members of the Conference Committee: Representatives Bauer, Gaspard and Berentson.

DEAN R. FOSTER, Chief Clerk.

June 8, 1975.

Mr. President: The House has concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 561, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

June 8, 1975.

Mr. President: The House has passed: ENGROSSED SUBSTITUTE SENATE BILL NO. 2808, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

June 8, 1975.

Mr. President: The House adopted the report of the Free Conference Committee on ENGROSSED HOUSE BILL NO. 587 and has passed the bill as amended by the Free Conference Committee.

DEAN R. FOSTER, Chief Clerk.

MOTION

Senator Mardesich moved that the Senate commence consideration of the House Message on Substitute House Bill No. 867.

PARLIAMENTARY INQUIRY

Senator Lewis (Harry): "Mr. President, I noticed the date on that free conference committee report of June 8 and I would like to ask the President's ruling on the appropriateness of that consideration of that free conference committee report as it concerns the twenty-four hour rule. It would seem to me it would not be appropriate to consider that conference committee report at this time."

REMARKS BY SENATOR BAILEY

Senator Bailey: "Mr. President, just in this bill in particular, Senator Lewis, we checked yesterday and it was laid on our desks at four o'clock yesterday afternoon."

REMARKS BY SENATOR HARRY LEWIS

Senator Lewis (Harry): "Mr. President, perhaps you could take a little time if you want on this but it appears to me we have a date of June 8 on it and I believe it is in conflict with our rules."

REPLY BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "The President will take it under advisement."

PARLIAMENTARY INQUIRY

Senator Wilson: "Mr. President, are we free to proceed on this bill?"

REPLY BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "Not until I make a ruling, Senator Wilson. It may take me longer. I have to read something."

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of the House Message on Engrossed Senate Bill No. 2226.

MESSAGE FROM THE HOUSE

June 8, 1975.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2226 with the following amendments:

On page 1, line 3 of the title, after "amending" insert "and directing the recodification of".

On page 2, line 8 of the engrossed bill, being line 7 of the printed bill, after "follows" insert "*and, as amended, shall be recodified as a section of chapter 4.88 RCW*", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Francis, the Senate concurred in the House amendments to Engrossed Senate Bill No. 2226.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2226, 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 Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Woody—46.

Absent or not voting: Senators Fleming, Wanamaker—2.

Excused: Senator Keefe—1.

ENGROSSED SENATE BILL NO. 2226, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of the House Message on Engrossed Senate Bill No. 2403.

MESSAGE FROM THE HOUSE

June 8, 1975.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2403 with the following amendments:

On page 1, line 1 of the title, after "motor vehicles;" strike all material down to and including "10.31.100;".

On page 1, beginning on line 13, strike all of section 1.

Renumber the remaining sections consecutively, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Francis, the Senate concurred in the House amendments to Engrossed Senate Bill No. 2403.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2403, 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 Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—46.

Absent or not voting: Senators Fleming, Matson—2.

Excused: Senator Keefe—1.

ENGROSSED SENATE BILL NO. 2403, 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.

POINT OF INQUIRY

Senator Gould: "Would Senator Knoblauch yield? Senator Knoblauch, if you voted against the bill, may I have your cigar?"

Senator Knoblauch: "Mrs. Gould, if you will smoke it I will light it up for you."

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of the House Message on Senate Concurrent Resolution No. 101.

MESSAGE FROM THE HOUSE

June 8, 1975.

Mr. President: The House has passed SENATE CONCURRENT RESOLUTION NO. 101 with the following amendment:

On page 2, following "and" on line 4 insert a new paragraph as follows:

"BE IT FURTHER RESOLVED, That in addition to the appointed members, the President of the Senate and the Speaker of the House of Representatives shall serve as ex officio members of the joint committee on Washington/British Columbia Governmental Cooperation; and", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Goltz, the Senate concurred in the House amendment to Senate Concurrent Resolution No. 101.

ROLL CALL

The Secretary called the roll on the final passage of Senate Concurrent Resolution No. 101, 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 Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wana-maker, Washington, Wilson, Woody—44.

Voting nay: Senator Scott—1.

Absent or not voting: Senators Fleming, Matson, Stortini—3.

Excused: Senator Keefe—1.

SENATE CONCURRENT RESOLUTION NO. 101, as amended by the House, having received the constitutional majority was declared passed.

MOTION

On motion of Senator Lewis (Harry), there being no objection, the parliamentary inquiry regarding Substitute House Bill No. 867 and the Conference Committee report thereto, was withdrawn.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of the House Message on Substitute House Bill No. 867.

MESSAGE FROM THE HOUSE

June 8, 1975.

Mr. President: The House has adopted the report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 867, and has granted the said committee the powers of Free Conference.

DEAN R. FOSTER, Chief Clerk.

REPORT OF FREE CONFERENCE COMMITTEE

June 8, 1975.

Mr. Speaker:

Mr. President:

We, of your Free Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 867, appropriating funds for the Washington Future program, have had the same under consideration, and we recommend that the bill be amended as follows:

That the Senate Committee Amendment by the Committee on Ways and Means be adopted with the following amendments to the amendment:

On page 2, line 3, after "agreements:" strike all material down to and including "representatives" on line 6, and insert "PROVIDED, That such funding for the Second Bacon Siphon and Tunnel, whether in the form of a grant, loan, or combination thereof, shall be contingent on approval by the ways and means committees of the senate and house of the department's negotiations on the funding and financing thereof with the United States Bureau of Reclamation and related federal and local agencies".

On page 5, line 34, after "funded" and before the period, insert ": PROVIDED, HOWEVER, That the department shall inform the ways and means committees of the

senate and house of representatives as to the projects which have been preliminarily selected for approval, and as to the proposed terms and conditions of financing related to each such project, at least 30 days prior to the commitment of any state funds under this act".

Signed by: Senators Wilson, Benitz and Jolly; Representatives Kilbury, Amen and Boldt.

MOTION

On motion of Senator Wilson, the report of the Free Conference Committee on Substitute House Bill No. 867 was adopted.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 867, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

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

Excused: Senator Keefe—1.

SUBSTITUTE HOUSE BILL NO. 867, 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 Mardesich, the Senate commenced consideration of the House Message on Engrossed Substitute Senate Joint Resolution No. 127.

MESSAGE FROM THE HOUSE

June 8, 1975.

Mr. President: The House has adopted the report of the Free Conference Committee on ENGROSSED SUBSTITUTE SENATE JOINT RESOLUTION NO. 127 and has passed the resolution as amended by the Free Conference Committee, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

REPORT OF FREE CONFERENCE COMMITTEE

June 7, 1975.

Mr. Speaker:

Mr. President:

We, of your Free Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE JOINT RESOLUTION NO. 127 establishing constitutionally a citizens' commission to set salaries of public officials, have had the same under consideration, and we recommend that the bill be amended as follows:

On page 1, line 42, of the house amendment to Engrossed Substitute Senate Joint Resolution No. 127 by Representatives Sommers and Newhouse, beginning with "Persons" strike everything down to and including "law." on page 2, line 5, and insert:

"The balance of the membership shall be appointed as provided by law. All persons selected by lot or appointed shall possess the qualifications required by law of jurors. All persons chosen shall be confirmed by a superior court judge designated by the chief justice of the supreme court who shall examine each person for interest, prejudice, and competency. Persons who by reasons of prejudice, interest, or incompetency are found

to be incapable of discharging their duties as members of the commission shall be disqualified and shall be replaced by persons chosen in the same manner in which the disqualified person was originally chosen."

Signed by: Senators Sellar, Grant and Francis; Representatives Sommers, Conner and Newhouse.

MOTION

On motion of Senator Francis, the report of the Free Conference Committee on Engrossed Substitute Senate Joint Resolution No. 127 was adopted.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Joint Resolution No. 127, as amended by the Free Conference Committee, and the resolution passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

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

Voting nay: Senator Pullen—1.

Excused: Senator Keefe—1.

ENGROSSED SUBSTITUTE SENATE JOINT RESOLUTION NO. 127, as amended by the Free Conference Committee, having received the constitutional two-thirds majority, was declared passed.

MESSAGES FROM THE HOUSE

June 8, 1975.

Mr. President: The House has adopted the report of the Conference Committee on ENGROSSED HOUSE BILL NO. 49, and has passed the bill as amended by the Conference Committee, and the same herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

June 8, 1975.

Mr. President: The House has adopted the report of the Conference Committee on ENGROSSED HOUSE BILL NO. 612, and has passed the bill as amended by the Conference Committee.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of the House Message on Engrossed Substitute House Bill No. 483.

MESSAGE FROM THE HOUSE

June 8, 1975.

Mr. President: The House has concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 483 on page 5, line 1, after "1977" but refuses to concur in the Senate amendments on page 5, line 1, before "by"; on page 7, following line 21, and asks the Senate to recede therefrom, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Rasmussen, the Senate refused to recede in the Senate amendments on page 5, line 1 and on page 7, following line 21 and again asks the House to concur therein.

MOTION

At 4:22 p.m., on motion of Senator Bailey, the Senate was declared to be at ease. President Pro Tempore Henry called the Senate to order at 5:40 p.m.

MESSAGES FROM THE HOUSE

June 8, 1975.

Mr. President: The House has adopted the report of the Free Conference Committee on ENGROSSED HOUSE BILL NO. 774 and has passed the bill as amended by the Free Conference Committee.

DEAN R. FOSTER, Chief Clerk.

June 8, 1975.

Mr. President: The Speaker has signed:

SENATE BILL NO. 2108,

SUBSTITUTE SENATE BILL NO. 2211,

SENATE BILL NO. 2334,

SENATE BILL NO. 2609,

SENATE BILL NO. 2735, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

June 8, 1975.

Mr. President: The Speaker has signed:

HOUSE BILL NO. 49.

SUBSTITUTE HOUSE BILL NO. 164.

HOUSE BILL NO. 174.

HOUSE BILL NO. 278.

SUBSTITUTE HOUSE BILL NO. 435.

HOUSE BILL NO. 695.

SUBSTITUTE HOUSE BILL NO. 860.

SUBSTITUTE HOUSE BILL NO. 1174, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

June 8, 1975.

Mr. President: The House has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 206, and has granted the said committee the powers of Free Conference.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of the House Message on Engrossed Substitute House Bill No. 206.

REPORT OF CONFERENCE COMMITTEE

June 8, 1975.

Mr. Speaker:

Mr. President:

We, of your Conference Committee, to whom was referred ENGROSSED SUB-

STITUTE HOUSE BILL NO. 206, adopting the capital budget, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

On page 1, beginning on line 11, strike the remainder of the bill and insert the following:

"NEW SECTION. Sec. 2. The legislature finds that present management of capital projects does not always ensure a systematic review of project increments such as planning, design, site acquisition, and construction. Projects are not regularly subjected to independent technical review concerning less costly alternatives nor are such projects regularly considered in context with master planning projections.

The office of program planning and fiscal management, in order to ensure management control, shall prepare a capital construction projects management plan for every item included in this act, except that fire and safety projects and maintenance type projects may be exempted from the master plan and program plan provisions of this section when such exemptions are approved by the office of program planning and fiscal management. Such capital construction projects management plan shall consider, but not necessarily be limited to, the following elements:

- (1) Master plan;
- (2) Program plan;
- (3) Physical plan; and
- (4) Construction.

The management plan shall provide for technical feasibility review of capital projects by the department of general administration and provision for incremental approvals of capital projects.

The management plan for capital projects shall be submitted to the legislature, no later than January 1, 1976, along with the recommendations of the office of program planning and fiscal management and the department of general administration concerning technical feasibility, schedules for the release of funds by project increments, and other pertinent concerns regarding capital projects approved in this act.

For the purposes of this section:

"Master plan" includes, but is not limited to, identification and analysis of present institutional programs and a minimum five year projection thereof; identification and categorization of current physical facilities and an analysis of effectiveness of utilization; an analysis of match between program and necessary physical facilities based on objective standards as developed by appropriate state agencies; and recommendations for sale, purchase, demolition, expansion, renovation, replacement, or relocation of facilities.

"Program plan" relates to a specific project or facility and shall include, but is not limited to, an inventory of amounts and types of space currently available; an analysis of amounts, types, and relative locations of space required for current programs as determined by use of accepted state space standards; an analysis of projected programs and space required; and, if a change in facilities is justified from analysis, recommendations for demolition, remodeling, or construction.

"Physical plan" includes survey and site investigation and architectural and engineering designs.

"Construction" includes detailed budgets and realistic schedules for project implementation.

NEW SECTION. Sec. 3. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Reappropriations

*From the
Fund Designated*

(1) Complete construction of Office Building No. 2, remodeling of Executive Mansion and Insurance Building, structural renovation of Legislative Building, and design Executive Office Building (10,040,000)

	<i>Reappro- priations</i>	<i>From the Fund Designated</i>
General Fund	50,000	
State Building		
Construction Account	9,990,000	
(2) Install central chiller plant, air conditioning, and remodel legislative facilities		
State Building		
Construction Account	1,836,000	
(3) Remodeling and maintenance required on Capitol Campus Buildings and grounds (1,271,120)		
Capitol Building		
Construction Account	300,000	971,120
(4) Continuing maintenance of Deschutes Basin, dam, and area landscaping (35,500)		
Capitol Building		
Construction Account	5,000	30,500
(5) Acquisition, development and improvements of lands, improvements and facilities within the East Capitol Site		
Capital Purchase and Development Account	100,000	
(6) Remodel and repair of elective officials offices		
Capitol Building		
Construction Account	86,000	
(7) Remodel State Capitol Museum building (66,500)		
Capitol Building		
Construction Account	5,000	61,500
(8) Capitol campus master plan (100,000)		
Capitol Building		
Construction Account	50,000	50,000
(9) Complete construction of Insurance Building renovation, Legislative Building structural repairs, and West Campus chilled water plant		
Capitol Building		
Construction Account		2,640,487
(10) Revised Oil Delivery and Storage Facility		
Capitol Building		
Construction Account		124,276
(11) Landscape plaza surrounding Office Building No. 2		
State Building		
Construction Account		250,000
(12) Remodel campus buildings to ensure that all areas of the campus are		

	<i>Reappro- priations</i>	<i>From the Fund Designated</i>
accessible to the physically handi- capped		
Capitol Building Construction Account		305,000
(13) Embankment repair north of Temple of Justice		
Capitol Building Construction Account		199,470
(14) Modification to computer area of Office Building No. 2 to include uninterruptable power system, security system, air conditioning and raised flooring		
State Building Construction Account		1,039,000
(15) Extension of central control and monitoring system of Office Building No. 2 to all campus buildings to provide monitoring of building utility and safety systems such as heat- ing, cooling, fire alarms, and security		
Capitol Building Construction Account		563,060
(16) Study of all West Campus buildings to determine needed fire pro- tection systems		
Capitol Building Construction Account		34,160
(17) Extend steam lines to Employ- ment Security Building		
Capitol Building Construction Account		100,423
(18) Provision of additional funds to offset effects of unanticipated cost increases in air conditioning the Legis- lative Building		
State Building Construction Account		1,049,067
(19) Engineering planning and de- sign of Capitol Lake rehabilitation		
State Building Construction Account		425,000
(20) Continuing development of recreation areas around Capitol Lake		
Capitol Building Construction Account		61,000
(21) Installation of air-conditioning system in General Administration Building		
Capitol Building Construction Account		160,000
(22) Replace heating and cooling		

	<i>Reappro- priations</i>	<i>From the Fund Designated</i>
coils and rearrange dampers in the Highways-Licenses Building, Employ- ment Security Building and Archives Building		
Capitol Building		
Construction Account		288,092
(23) Renovate Old Capitol Building to conform to health and safety re- quirements of the Occupational Safety and Health Act, building and fire codes, and to provide access for the physically handicapped		
State Building		
Construction Account		3,580,416

NEW SECTION. Sec. 4. FOR THE MILITARY DEPARTMENT

	<i>Reappro- priations</i>	<i>From the Fund Designated</i>
(1) Construct new armory-Aber- deen		
General Fund		296,950
(2) Construct, repair, remodel buildings and improve facilities		
General Fund	79,117	
(3) Schematic plans for future proj- ects (19,866)		
General Fund	11,610	8,256
(4) Architectural and Engineering and other pre-construction work (48,592)		
General Fund	9,168	39,424
(5) Acquire Land for new Armory- Vancouver		
General Fund		50,000
(6) Construct new armory-Seattle Seattle Armory Fund	30,200	
(7) Construct new Armory-Ephrata General Fund		225,000

NEW SECTION. Sec. 5. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

	<i>Reappro- priations</i>	<i>From the Fund Designated</i>
(1) For the Adult Correction Pro- gram		
(a) Construct and equip Automot- ive Vocational Training Building- Washington State Penitentiary		
General Fund	89,400	
(b) Locking system for wing six- Washington State Penitentiary		
General Fund	8,310	

	<i>Reappropriations</i>	<i>From the Fund Designated</i>
(c) Fire and safety improvements, Washington State Penitentiary General Fund		151,000
(d) Modification of existing laundry facilities, Washington State Reforma- tory CEP & RI Account		130,000
(e) Modernization of resident (in- mate) living areas-Washington State Reformatory General Fund	477,751	
(f) Construct and equip new Wom- en's Correctional Institution-Purdy Treatment Center for Women (17,229) General Fund	10,099	
CEP & RI Account	7,130	
(g) Renovate roofs, Washington Correction Center CEP & RI Account		150,000
(h) Construct and equip work re- lease housing unit, Indian Ridge Treat- ment Center General Fund		155,250
(i) Dormitory, kitchen equipment, Larch Mountain Honor Camp General Fund		200,00
(j) Firland Correction Center DSHS Construction Account (HJR 52)		60,000
(k) Bag house, steam plant, Wash- ington State Reformatory DSHS Construction Account (HJR 52)		94,635
(2) For the Juvenile Rehabilitation Program		
(a) Secondary power supply, Na- selle Youth Camp CEP & RI Account		35,515
(b) Construct and equip four resi- dential living units, Naselle Youth Camp DSHS Construction Account (HJR 52)		1,458,000
(c) Remodel kitchen, Mission Creek Youth Camp General Fund		59,771
(d) Construct and equip treatment security unit, Maple Lane School State Building and Higher Education Construction Account	1,229	

	<i>Reappropriations</i>	<i>From the Fund Designated</i>
(e) Construct and equip group home		
General Fund	24,763	
(f) Improvements to meet fire marshal recommendation at Green Hill School		
General Fund		70,136
(g) New roof on recreation building at Green Hill School		
General Fund		15,000
(h) Construct covered play area, Naselle Youth Camp		
DSHS Construction Account (HJR 52)		15,000
(3) For the Mental Health Program		
(a) Renovate bathrooms, Eastern State Hospital		
General Fund		40,000
(b) Construct and equip a 150-bed psychiatric hospital (Medical Lake): PROVIDED, That the design and construction of this facility shall be such that it may be expanded by further construction if added beds are required: PROVIDED FURTHER, That no currently existing structure at this facility shall be demolished as a result of this construction		
DSHS Construction Account (HJR 52)		2,995,000
(c) Construct and equip Pharmacy and Central Supply Building, Western State Hospital		
CEP & RI Account	48,583	
(d) Fire alarm and detection, Phase II, Western State Hospital		
General Fund		199,200
(e) Remodel and equip kitchen and dining room; construct Refrigeration Building, Western State Hospital		
CEP & RI Account	288,965	
(f) Construct and equip a 350-bed psychiatric hospital (Steilacoom)		
DSHS Construction Account (HJR 52)		6,985,000
(g) Construct and equip one community health center		
DSHS Construction Account (HJR 52)		800,000
(4) For the Developmental Disabilities Program		
(a) Replace Redwood Hall, Fircrest School (10,064)		

	<i>Reappro- priations</i>	<i>From the Fund Designated</i>
General Fund	2,968	
State Building and Higher Education Construction Account	7,096	
(b) Construct and equip Activities Building, Fircrest School General Fund	3,337	
(c) Construct a covered outdoor area, Interlake School General Fund	4,819	
(d) Construct and equip an Instruc- tional Services Building Rainier School State Building and Higher Education Construction Account	16,649	
(e) Renovation, Rainier School DSHS Construction Account (HJR 52)		2,766,432
(f) Upgrade utilities, Phase II, Rainier School General Fund		425,000
(g) Construct and equip dietary addition, Lakeland Village CEP & RI Account	160,433	
(h) Construct lavatory facilities- residential halls, Lakeland Village CEP & RI Account	362,116	
(i) Construct and equip a 225-bed developmental disabilities residential unit and construct and equip dietary addition, Phase II, Lakeland Village DSHS Construction Account (HJR 52)		4,816,271
(j) Repair of road and parking areas, Lakeland Village General Fund		137,780
(k) Repair floors, Lakeland Village General Fund		253,452
(l) Install new elevator, Yakima Valley School General Fund		134,540
(m) Kitchen renovation, School for the Blind General Fund	9,524	
(n) Renovate kitchen, primary area, and Administration Building, School for the Blind General Fund		320,000
(o) Install fire alarms and smoke detectors for four cottages and the		

	<i>Reappropriations</i>	<i>From the Fund Designated</i>
primary school at the School for the Blind		
General Fund		50,000
(p) Install exterior freight only elevator on the existing commissary building at the School for the Blind		
General Fund		12,500
(q) Construct and equip Advanced Classroom Building, School for the Deaf		
General Fund	493,921	
(r) Construct a covered outdoor area, School for the Deaf		
General Fund	21,316	
(s) Remodel kitchen-dining room building at the School for the Deaf		
General Fund	61,287	
(t) Provide secondary source of power, School for the Deaf		
CEP & RI Account		43,680
(u) Provide fire and safety improvements, School for the Deaf		
General Fund		46,900
(v) Remodel superintendent's residence for Student Union Building, School for the Deaf		
CEP & RI Account		30,000
(w) Demolish Watson Hall at State School for the Deaf		
General Fund		44,000
(x) For site development and construction of a community educational facility for the developmentally disabled: PROVIDED, That the appropriation contained in this subsection is contingent upon acquisition of the former Nike-Ajax site from the Kent School District and department of health, education and welfare		
DSHS Construction Account (HJR 52)		300,000
(y) Replace boilers, Phase II, Fircrest School		
DSHS Construction Account (HJR 52)		367,700
(z) Repair utilities, Fircrest school		
DSHS Construction Account (HJR 52)		165,735
(5) For Veterans' Services Program		
(a) Remodel and equip kitchen, Phase II, Soldiers' Home		
General Fund	340,849	

*Reappro-
priations*

*From the
Fund Designated*

(b) Fire, safety, and health, Veterans' Homes

Upgrade to fire, safety, and health standards, and construct a 100-bed nursing facility at the Veterans' Home and a 40-bed nursing addition at the Soldiers' Home and Colony. Facilities will meet state licensing standards (5,250,142)

General Fund-State 369,927*

DSHS Construction

Account (HJR 52)

1,183,075

General Fund-Federal

1,300,000

2,197,140

CEP & RI Account

200,00

*To be repaid from CEP & RI

Account in the

1975-77 biennium.

(c) Replace boilers, Veteran's Home (201,250)

General Fund-State

130,800

General Fund-Federal

70,450

(6) General

(a) Upgrade for fire and safety standards (Omnibus)

To upgrade fire and safety standards per recommendation of the state fire marshal and safety inspectors and to provide a contingency fund for unanticipated capital needs and cost overruns

General Fund

637,642

(b) Repair and improve utilities- (Omnibus)

Renovate water, electric, steam, and sewer lines; replace boilers, provide contingency fund for unanticipated needs and cost overruns (400,576)

General Fund

397,884

CEP & RI Account

2,692

(c) Repair and improve facilities- (Omnibus)

Provide for minor repairs to roofs, roads, parking areas, and buildings and provide contingency fund for unanticipated needs and cost overruns (1,057,210)

General Fund

557,210

500,000

(d) Preplanning projects 1973-79 (484,778)

General Fund

184,778

DSHS CONSTRUCTION

Account (HJR 52)

300,000

	<i>Reappro- priations</i>	<i>From the Fund Designated</i>
(e) Social and Health Services Facilities (To be allocated for specific projects) (24,797,240)		
State and Local Improvement Revolving Account	10,047,240	14,750,000
(f) Contingency Expense Fund		
DSHS Construction Account (HJR 52)		585,000

NEW SECTION. Sec. 6. FOR THE EMPLOYMENT SECURITY DEPARTMENT

	<i>Reappro- priations</i>	<i>From the Fund Designated</i>
Improvement of existing central office buildings and necessary related costs: PROVIDED, That this appropriation shall be available only to the extent that federal funds under Section 903 of the Federal Social Security act are made available for this purpose: PROVIDED FURTHER, That this appropriation is made pursuant to and is limited by provisions of section 903-C(2) of the Federal Social Security Act as amended: PROVIDED FURTHER, That any unexpended balance of said federal funds shall be promptly returned to the account of the State of Washington in the Unemployment Compensation Trust Fund as may be required by federal law or regulation		
Unemployment Compensation Administration Fund	90,000	

NEW SECTION. Sec. 7. FOR THE DEPARTMENT OF ECOLOGY

	<i>Reappro- priations</i>	<i>From the Fund Designated</i>
(1) For the construction of ground water observation wells		
State and Local Improvements Revolving Account — Water Supply Facilities as provided by chapter 128, Laws of 1972 ex. sess.		154,166
(2) Construct sewerage systems and waste disposal facilities in the state parks set for in subparagraphs (a) through (x) of this subsection including, but not limited to, collector systems, treatment facilities, lift stations, trailer dumps and lagoon (1,883,600)		
State and Local Improvements Revolving Account — Waste Disposal Facilities as provided by chapter 127, Laws of 1972 ex. sess.	1,443,500	

	<i>Reappro- priations</i>	<i>From the Fund Designated</i>
State and Local Improve- ments Revolving Account		
(a) Twin Harbors		185,900
(b) Dash Point		10,000
(c) Lake Wenatchee		21,200
(d) Bogachiel		10,000
(e) Wenberg		10,000
(f) Conconully		28,300
(g) Kopachuck		10,000
(h) Lake Easton		10,000
(i) Bay View		10,000
(j) Pearrygin Lake		10,000
(k) Deception Pass		10,000
(l) Yakima		10,000
(m) Larrabee		10,000
(n) Curlew Lake		10,000
(o) Camano Island		10,000
(p) Lake Osoyoos		10,000
(q) Fay Bainbridge		10,000
(r) Brooks Memorial		10,000
(s) South Whidbey		10,000
(t) Illahee		10,000
(u) Mount Spokane		4,700
(v) Horsethief Lake		10,000
(w) Riverside		10,000
(x) Lewis and Clark Trail		10,000

(3) Construct water supply improvements in the state parks set forth in subparagraphs (a) through (s) of this subsection (694,000)

State and Local Improve-
ments Revolving Account —
Water Supply Facilities as
provided by chapter 128,
Laws of 1972 ex. sess.

(a) Sequim Bay	165,000
(b) Beacon Rock	9,200
(c) Twanoh	6,700
(d) Potlatch	7,200
(e) Lake Cushman	16,400
(f) Old Fort Townsend	18,800
(g) Deception Pass	58,100
(h) Moran	10,600
(i) Rockport	38,900
(j) Mount Pilchuck	50,400
(k) Brooks Memorial	28,300
(l) Camp Wooten	7,800
(m) Fields Spring	700
(n) Ginkgo	28,300
(o) Mount Spokane	45,300
(p) Squilchuck	17,500
(q) Sun Lakes (Dry Falls)	19,800
(r) Federation Forest	34,700
(s) Fort Canby	130,300

	<i>Reappro- priations</i>	<i>From the Fund Designated</i>
(4) For construction of improved sewage and waste disposal facilities at existing department of social and health services facilities to meet established discharge requirements		
State and Local Improvements Revolving Account — Waste Disposal Facilities as provided by chapter 127, Laws of 1972 ex. sess.		1,050,000
(5) Connect to Gig Harbor sewage disposal unit — Purdy Treatment Center for Women		
State and Local Improvements Revolving Account — Waste Disposal Facilities as provided by chapter 127, Laws of 1972 ex. sess.		150,000

NEW SECTION. Sec. 8. FOR THE STATE PARKS AND RECREATION COMMISSION

	<i>Reappro- priations</i>	<i>From the Fund Designated</i>
(1) Construct, repair, and improve state park facilities as set forth in subparagraphs (a) through (e) of this subsection (878,093)		
General Fund	321,293	
State and Local Improvement Revolving Account — Public Recreation Facilities pursuant to the provisions of section 4(3), chapter 129, Laws of 1972 ex. sess.:		
(a) To provide for costs necessary to complete capital budget projects, and unanticipated restoration and repairs to existing state park facilities		200,000
(b) For Lake Chelan to prevent continued shoreline erosion		202,300
(c) For Steamboat Rock for utilities and shops		27,700
(d) For Leadbetter Point for manager's residence and shop		62,800
(e) For Crow Butte for manager's residence and shop		64,000
(2) Schematics and pre-planning Outdoor Recreation Account pursuant to the provisions of section 4(1), chapter 129, Laws of 1972 ex. sess.		150,000

(3) Purchase and develop park sites boating facilities, group camp facilities, and historical and archeological sites located at Mercer Slough, Green River Gorge, Ocean Beaches, Birch Bay, Twanoh, Fort Ebey, East Side of North Cascade Highway, Manchester, Clallam Bay, Whatcom and Skagit counties bicycle and hiking trail, Lower Crossing-Sunset Highway, Fort Ward, and Cypress Island pursuant to the provisions of section 4(1), chapter 129, Laws of 1972 ex. sess. (2,228,840)

Outdoor Recreation Account

Reappropriations

From the Fund Designated

591,840

1,637,000

(4) Modernization and improvements at state parks as set forth in subparagraphs (a) through (rr) of this subsection pursuant to the provisions of section 4(3), chapter 129, Laws of 1972 ex. sess. (5,829,950)

State and Local Improvements Revolving Account —
Public Recreation Facilities

1,060,000

State and Local Improvements Revolving Account —
Public Recreation Facilities

(a) For Fort Worden State Park: PROVIDED, That a joint study by the state parks and recreation commission and the office of program planning and fiscal management shall be conducted to determine (i) the total capital cost requirements of Fort Worden State Park; and (ii) the cost difference between maintaining historical integrity of the buildings and using modern building techniques: PROVIDED FURTHER, That such a study shall be submitted to the standing ways and means committees by December 1, 1975

443,650

(b) Jarrell Cove

24,000

(c) Rainbow Falls

43,800

(d) Beacon Rock

117,400

(e) Twanoh

50,300

(f) Millersylvania

172,600

(g) Twin Harbor

40,400

(h) Penrose Point

1,400

(i) Lake Cushman

95,000

	<i>Reappro- priations</i>	<i>From the Fund Designated</i>
(j) Park Region I miscellaneous		69,300
(k) Sequim Bay		68,000
(l) Paradise Point		50,800
(m) Deception Pass		309,500
(n) Peace Arch		83,500
(o) Nolte		113,500
(p) Birch Bay		375,800
(q) Fort Casey		224,800
(r) Federation Forest		110,000
(s) Camano Island		195,200
(t) Moran		340,700
(u) Mount Pilchuck		43,900
(v) Moses Lake		19,800
(w) Sacajawea		58,000
(x) Lake Chelan		121,600
(y) Alta Lake		150,700
(z) Lake Wenatchee		186,100
(aa) Squilchuck		29,700
(bb) Region III miscellaneous		376,300
(cc) Fields Spring		189,400
(dd) Crawford		69,300
(ee) Fort Simcoe		122,400
(ff) Dosewallips		38,800
(gg) Sequest		38,800
(hh) Beacon Rock		38,800
(ii) Penrose Point		38,800
(jj) Camano Island		38,800
(kk) Birch Bay		38,800
(ll) Dash Point		38,800
(mm) Larrabee		13,900
(nn) Moran		27,600
(oo) Lake Wenatchee		40,000
(pp) Central Ferry		40,000
(qq) Curlew Lake		40,000
(rr) Steamboat Rock		40,000
(5) Purchase and develop park sites, boating facilities, group camp facilities, and historical and archeological sites located at Mercer Slough, Green River Gorge, Ocean Beaches, Birch Bay, Twanoh, Fort Ebey, East Side of North Cascade Highway, Manchester, Clallam Bay, Whatcom and Skagit counties bicycle and hiking trail, Lower Crossing-Sunset Highway, Fort Ward, and Cypress Island (3,489,518)		
Outdoor Recreation Account	2,656,518	833,000
(6) Acquisition and development of areas for All-Terrain Vehicle utilization		
Outdoor Recreation Account		172,751
(7) Green River Gorge acquisition		
Outdoor Recreation Account		123,520

	<i>Reappro- priations</i>	<i>From the Fund Designated</i>
(8) Fort Canby development Outdoor Recreation Account		640,000
(9) Wallace Lake Acquisition and Development Outdoor Recreation Account pursuant to the provisions of section 4(1), chapter 129, Laws of 1972 ex. sess. Outdoor Recreation Account		125,000 125,000

NEW SECTION. Sec. 9. FOR THE DEPARTMENT OF FISHERIES

	<i>Reappro- priations</i>	<i>From the Fund Designated</i>
(1) Safety installations to meet WISHA requirements General Fund-State		270,350
(2) Improved domestic water sup- plies-Nehalem and Willapa hatcheries General Fund-State		21,000
(3) Pollution abatement facilities for state hatcheries General Fund-State		600,000
(4) Pollution abatement facilities for federal hatcheries General Fund-Federal		550,000
(5) Humptulips hatchery General Fund-State	75,000	1,883,800
General Fund-Federal	75,000	470,950
(6) Reappropriations for projects previously authorized General Fund-State	345,535	
General Fund-Federal	545,300	
(7) Acquisition and development of recreational facilities at the fol- lowing locations:		
(a) Tideland Access-Point Whitney and Penn Cove (84,350)		
(b) Public Access-Penn Cove, Point Whitney, and Oakland Bay (195,000)		
(c) Outdoor Tour Facilities-Sole- duck Hatchery (89,715)		
(d) Boating Access-Clallam County (200,000)		
(e) Boat Launch Facility-Merrill and Ring Park, Clallam County (43,624)		
(f) Fishing Pier-Edmonds (450,000)		
(g) Artificial Reefing-Edmonds (4,500): PROVIDED, That prior to construction the department shall exe- cute agreements transferring operation and/or maintenance responsibilities to		

	<i>Reappropriations</i>	<i>From the Fund Designated</i>
the department of natural resources or local public bodies within whose jurisdiction such facilities are constructed: PROVIDED FURTHER, That variances to the policy set forth in this section may be granted by the legislative budget committee or its statutory successor		
Outdoor Recreation Account		497,000
Outdoor Recreation Account appropriation pursuant to section 4(1), chapter 129, Laws of 1972 ex sess.		570,189
(8) Spawning habitat improvement projects		
General Fund-State		235,000
(9) Land acquisition-Columbia River hatcheries		
General Fund-State		192,000
(10) Exploration, land purchase and design of new production facilities		
General Fund-State		300,000
(11) Land acquisition for release ponds and pollution abatement facilities		
General Fund-State		141,000
(12) Release ponds		
(a) George Adams hatchery		
General Fund-State		87,500
General Fund-Federal		87,500
(b) Green River hatchery		
General Fund-State		50,000
(c) Icy Creek		
General Fund-State		137,500
General Fund-Federal		137,500
(d) Samish hatchery		
General Fund-State		90,000
(e) Soleduck hatchery		
General Fund-State		650,000
(f) Skykomish hatchery		
General Fund-State		35,000
(13) Clam Pond-Point Whitney		
General Fund-State		30,000
(14) Green River hatchery-water system improvement		
General Fund-State		120,000
(15) Facilities improvement project		
General Fund-State		289,750
(16) Lewis River hatchery-residence		
General Fund-State		30,000
(17) Toutle hatchery water supply		

	<i>Reappro- priations</i>	<i>From the Fund Designated</i>
improvement, release ponds, and freezer replacement		
General Fund-Federal		1,075,000
(18) Klickitat hatchery-rebuild rear- ing ponds		
General Fund-Federal		75,000
(19) Elokomin hatchery release pond		
General Fund-Federal		275,000

NEW SECTION. Sec. 10. FOR THE DEPARTMENT OF GAME

	<i>Reappro- priations</i>	<i>From the Fund Designated</i>
(1) Purchase, construct, improve and equip fish and game protective fa- cilities, administrative facilities, build- ings, hatcheries, game farm facilities, rearing ponds, and game range facili- ties (3,727,096)		
Game Fund-State		1,160,848
Game Fund-Federal		
(Reimbursable)		2,179,648
Game Fund-Local		
(Reimbursable)		386,600
(2) Purchase and develop lands for outdoor recreation (3,405,500)		
Outdoor Recreation Account	758,000	472,500
Outdoor Recreation Account appropriation pursuant to the provisions of section 4(1), chapter 129, Laws of 1972 ex sess.	1,550,000	625,000

NEW SECTION. Sec. 11. FOR THE DEPARTMENT OF NATURAL RESOURCES

	<i>Reappro- priations</i>	<i>From the Fund Designated</i>
(1) Construct honor camp bridges and culverts, construct and equip honor camp facilities, administrative facilities, lookout towers, fire protec- tive facilities, nursery facilities, and area offices as set forth in subpara- graphs (a) through (cc) of this subsec- tion (1,949,892)		
General Fund		
(a) Pump shop remodeling		3,000
(b) House drying facilities		20,000
(c) Morton water supply		5,000
(d) Lookout replacement		5,000
(e) Youth and honor camp gas stations		18,000
(f) Fire protection campgrounds		20,000
(g) Ridgetop water storage		10,000

	<i>Reappro- priations</i>	<i>From the Fund Designated</i>
(h) Honor and youth camp bridge and culvert materials		54,000
(i) Larch Mountain incinerator Resource Man- agement Cost Account		10,000
(j) Southeast area office-Ellensburg		117,580
(k) Seed, mulch and fertilizer storage-forest land management center		105,000
(l) Forks seedling storage		16,000
(m) Northwest area building renovation		71,000
(n) Automatic hoist-Clearwater camp		10,000
(o) Unleaded gasoline pump facilities		72,000
(p) Forest land management center office addition		105,000
(q) Bellingham head house		15,000
(r) Bellingham packing shed		10,000
(s) Webster nursery office expansion		2,500
(t) Bellingham lath house		7,500
(u) Seed orchard well and irrigation system		85,000
(v) Seed orchard administration and work building		106,250
(w) Webster nursery greenhouse water system		2,500
(x) Webster greenhouse addition		134,500
(y) Webster nursery access road surfacing		8,450
(z) South Puget Sound area headquarters		260,000
CEP & RI Account		
(aa) Larch Mountain buildings		638,612
(bb) Larch Mountain water system		10,000
(cc) Larch Mountain gym floor replacement		28,000
(2) Purchase right-of-way, construct reclamation and timber access roads, construct irrigation systems, and other land development facilities and tide- land facilities (12,510,770)		
Resource Management Cost Account	2,265,070	
Forest Development Account	264,900	
Resource Management Cost Account		
(a) Irrigation development		4,335,400
(b) Land development		466,350
(c) Right-of-way and roads		115,350
(d) Tidelands facilities		40,000
(e) Right-of-way acquisition		200,000

	<i>Reappro- priations</i>	<i>From the Fund Designated</i>
(f) Timber access road construction		4,285,700
Forest Development Account		
(g) Forest reclamation road construction		38,000
(h) Timber access road construction		500,000
(3) Acquire and develop land for recreation uses including trails, scenic roads, shorelands, forest lands, ecolog- ical areas, and other areas managed by the Department (2,774,251)		
Outdoor Recreation Account	1,496,100	372,500
Outdoor Recreation Account appropriation pursuant to section 4(1), chapter 129, Laws of 1972 ex. sess.	433,340	472,311
(4) Construct and equip renovations to Health Science complex (3,050,000)		
Outdoor Recreation Account		584,265

NEW SECTION. Sec. 12. FOR THE UNIVERSITY OF WASHINGTON

	<i>Reappro- priations</i>	<i>From the Fund Designated</i>
(1) Construct and equip Phase II, renovation and provide working draw- ings for Phase III renovation of Bagley Hall (1,970,000)		
University of Washington Building Account	1,700,000	270,000
(2) Construct and equip space for Academic Computer Center		
State Building and Higher Education Construction Account	1,100,000	
(3) Construct and equip renova- tions to Gowen Hall		
University of Washington Building Account	1,144,186	
(4) Construct and equip renova- tions to Health and Science complex (3,050,000)		
University of Washington Building Account	550,000	2,500,000
(5) Construct and equip renova- tions to Johnson Hall		
University of Washington Building Account	1,165,000	
(6) Construct and equip renova- tions to Moore Hall		
University of Washington Building Account	550,000	

	<i>Reappro- priations</i>	<i>From the Fund Designated</i>
(7) To provide working drawings for renovation to Smith Hall University of Washington Building Account	555,814	
(8) Construct and equip renova- tions and additions to teaching hospital (11,562,793) Building Authority Construction Account	3,562,793	8,000,000
(9) Provide preliminary design of 1977-79 projects University of Washington Building Account	70,000	
(10) Construct and equip renova- tions and extensions to utility systems and buildings (6,534,841) University of Washington Building Account	2,034,841	4,500,000
(11) Complete working drawings to finish basement of Kane Hall University of Washington Building Account		76,000
(12) Complete working drawings for classroom, office, and library space for social work University of Washington Building Account		356,000
(13) Complete working drawings on consolidated facilities for marine studies program University of Washington Building Account		400,000
(14) Provide preliminary design of gymnasium and locker room space addition to Edmundson Pavilion University of Washington Building Account		36,000
(15) Purchase and install color tele- vision equipment for KCTS-Channel 9 University of Washington Building Account		1,500,000
(16) Provide preliminary design for Biology Instructional Facility University of Washington Building Account		318,000

NEW SECTION. Sec. 13. FOR WASHINGTON STATE UNIVERSITY

	<i>Reappro- priations</i>	<i>From the Fund Designated</i>
(1) Construct and equip teaching, research and office space for the biol- ogical sciences (9,199,400)		

	<i>Reappro- priations</i>	<i>From the Fund Designated</i>
State Higher Education Construction Account	8,889,000	
Washington State University Building Account		310,400
(2) Construct and equip library stack and reader space (5,536,700)		
Washington State University Building Account	2,594,700	
State Higher Education Construction Account	2,942,000	
(3) Construct and equip office and laboratory space for USDA and NWS Office/Laboratory		
Construction Account	1,800,000	
(4) Construct and equip renova- tion to Arts Hall, includes relocation of KWSU-TV transmitter and tower		
Washington State University Building Account	38,536	
(5) Provide preliminary design of 1977-79 capital projects		
Washington State University Building Account	61,000	
(6) Construct and equip major renovations to buildings, including implementation of safety standards (2,410,700)		
Washington State University Building Account	1,077,300	1,333,400
(7) Construct and equip modifica- tions to utility production and distri- bution systems (1,965,700)		
Washington State University Building Account	865,700	1,100,000
(8) Working drawings for animal holding facilities on campus for teaching and research		
Washington State University Building Account		114,000
(9) Construct and equip renova- tion to Bryan Hall		
Washington State University Building Account	191,000	
(10) Working drawings for central warehouse and storage		
Washington State University Building Account		56,300
(11) Construct and equip classroom laboratories and office for veterinary sciences as well as laboratories for state animal diagnostic center (9,123,500)		

	<i>Reappro- priations</i>	<i>From the Fund Designated</i>
Washington State University Building Account	82,000	
State Higher Education Construction Account		9,041,500
(12) Working drawings for animal facilities at Hastings farm for teaching and research		
Washington State University Building Account		86,000
<i>NEW SECTION. Sec. 14. FOR EASTERN WASHINGTON STATE COLLEGE</i>		
	<i>Reappro- priations</i>	<i>From the Fund Designated</i>
(1) Construct and equip altera- tions and life safety improvements to facilities (300,000)		
Eastern Washington State College Capital Projects Account	40,000	260,000
(2) Construct and equip a special events structure (283,500)		
Eastern Washington State College Capital Projects Account	280,000	
State Higher Education Construction Account	3,500	
(3) Construct and equip renova- tions to Science and Isle buildings		
Eastern Washington State College Capital Projects Account	620,600	
(4) Construct and equip altera- tions to Martin Hall to meet health standards		
Eastern Washington State College Capital Projects Account	35,000	
(5) Construct Phase I of biological research laboratory and working draw- ings, Phase II		
Eastern Washington State College Capital Projects Account	7,000	
(6) Construct and equip utility loop system and implement safety improvements (908,000)		
Eastern Washington State College Capital Projects Account	50,000	858,000
(7) Complete working drawings for centralized maintenance shops		
Eastern Washington State College Capital Projects Account		45,000
(8) Complete landscaping and walkways, physical education complex		
Building Authority Construction Account	10,000	
(9) Complete preliminary design of plant services warehouse		

	<i>Reappro- priations</i>	<i>From the Fund Designated</i>
Eastern Washington State College Capital Projects Account		10,000
(10) Construct and equip fieldhouse portion of physical education complex State Higher Education Construction Account		2,456,600
(11) Complete working drawing on aquatics portion of physical education complex		
Eastern Washington State College Capital Projects Account		60,000

NEW SECTION. Sec. 15. FOR CENTRAL WASHINGTON STATE COLLEGE

	<i>Reappro- priations</i>	<i>From the Fund Designated</i>
(1) Purchase land for new boiler plant site		
Central Washington State College Capital Projects Account	20,000	
(2) Construct and equip class- rooms, offices and laboratories for Psychology (35,000)		
Central Washington State College Capital Projects Account	5,000	
State Building Authority Construction Account	30,000	
(3) Construct and equip reader, service, stack, classrooms and offices State Building and Higher Education Construction Account	250,000	
(4) Construct and equip boiler house and emergency generator		
Central Washington State College Capital Projects Account	25,000	
(5) Purchase and install utility dis- tribution monitoring system		
Central Washington State College Capital Projects Account	20,000	
(6) Construct and equip altera- tions to facilities including safety stan- dard implementation (461,500)		
Central Washington State College Capital Projects Account	1,500	460,000
(7) Complete pedestrian walks and landscape library/instruction complex construction site (69,000)		
Central Washington State College Capital Projects Account	5,000	64,000
(8) Construct and equip renova- tions to utility systems (819,500)		
Central Washington State College Capital Projects Account	334,500	485,000

	<i>Reappro- priations</i>	<i>From the Fund Designated</i>
(9) Complete preliminary design on 1977-79 projects including Barge Hall renovation (61,000)		
Central Washington State College Capital Projects Account	11,000	50,000
(10) Purchase and install boilers in new boiler house		
State Higher Education Construction Account	1,840,900	
(11) Purchase and install moveable equipment for new library		
Central Washington State College Capital Projects Account		100,000
(12) Complete working drawings for physical education office, classroom, and recreation building		
Central Washington State College Capital Projects Account		142,000
(13) Complete working drawings for replacement greenhouse		
Central Washington State College Capital Projects Account		20,000
(14) Complete working drawings for remodeling of Bouillion Library		
Central Washington State College Capital Projects Account		54,000
(15) Complete working drawings for remodeling to house theatre and drama facilities		
Central Washington State College Capital Projects Account		127,000

NEW SECTION. Sec. 16. FOR THE EVERGREEN STATE COLLEGE

	<i>Reappro- priations</i>	<i>From the Fund Designated</i>
(1) Construct and equip laboratory and office building		
State Higher Education Construction Account	4,500,000	
(2) Construct and equip Seminar Building, Phase I (163,000)		
State Building and Higher Education Construction Account	81,000	
General Fund	82,000	
(3) Site improvements and utilities expansion		
The Evergreen State College Capital Projects Account	65,000	
(4) Clear, grade, and complete college parkway		
The Evergreen State College Capital Projects Account	80,000	

	<i>Reappropriations</i>	<i>From the Fund Designated</i>
(5) Construct and equip Communications Arts Laboratory (5,800,000)		
The Evergreen State College		
Capital Projects Account	800,000	
State Higher Education		
Construction Account	5,000,000	
(6) Clear, grade, pave, and complete road intersection and minor landscaping		
The Evergreen State College		
Capital Projects Account	40,000	
(7) Construct and equip science laboratories, Phase I		
State Building Authority		
Construction Account	35,000	
(8) Complete essential storm drainage, electrical and water supply system improvements		
State Higher Education		
Construction Account		125,000

NEW SECTION. Sec. 17. FOR WESTERN WASHINGTON STATE COLLEGE

	<i>Reappropriations</i>	<i>From the Fund Designated</i>
(1) Purchase land for academic service and recreation		
Western Washington State College		
Capital Projects Account	171,485	
(2) Preliminary design of 1977-79 requested projects (36,891)		
Western Washington State College		
Capital Projects Account	25,430	
State Higher Education		
Construction Account	11,461	
(3) Moveable equipment for academic buildings		
Western Washington State College		
Capital Projects Account	22,150	
(4) Construct and equip utility system expansion and repairs (2,129,040)		
General Fund-State	103,295	
Western Washington State College		
Capital Projects Account	645,745	1,380,000
(5) Construct and equip renovations to facilities (357,664)		
General Fund-State	43,060	
Western Washington State College		
Capital Projects Account	208,604	106,000
(6) Construct and equip Arts Building addition		
Western Washington State College		
Capital Projects Account	22,579	

	<i>Reappro- priations</i>	<i>From the Fund Designated</i>
(7) Construct and equip social science classrooms, offices and laboratories		
Western Washington State College Capital Projects Account	1,226	
(8) Construct and equip marine laboratory (57,104)		
State Building Authority Construction Account	34,437	
State Higher Education Construction Account	22,667	
(9) Construct and equip addition to heating plant		
State Building Authority Construction Account	5,812	
(10) Construct and equip science program classrooms, offices and laboratories		
State Building Authority Construction Account	117,416	
(11) Construct and equip new and remodeled space for technology and home economics		
State Higher Education Construction Account	1,799,093	
(12) Construct and equip Phase II renovations to Old Main (3,455,583)		
State Higher Education Construction Account	2,705,583	750,000
(13) Construct and equip alterations to buildings to implement safety standards		
Western Washington State College Capital Projects Account		250,000
(14) Complete construction and equip Phase I renovation of Old Main		
Western Washington State College Capital Projects Account	109,250	
(15) Provide working drawings for campus warehouse and maintenance shops		
Western Washington State College Capital Projects Account		122,000
(16) Provide working drawings for completion of interior of auditorium/music addition		
Western Washington State College Capital Projects Account		92,000
(17) Provide working drawings for essential recreation fields and landscaping		

	<i>Reappropriations</i>	<i>From the Fund Designated</i>
Western Washington State College Capital Projects Account		107,000

NEW SECTION. Sec. 18. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

	<i>Reappropriations</i>	<i>From the Fund Designated</i>
(1) For the payment of relocatable facilities and equipping technology programs on the south campus of the Seattle Community College: PROVIDED, That the Director of the Office of Program Planning and Fiscal Management may allocate from this appropriation no more than shall be realized from the pending sale of the real property and improvements thereto known as the Holgate branch of the Seattle Community College		
General Fund-State	159,242	

(2) Construction, repairs, remodeling, land acquisition, equipment, and other capital improvements for Seattle Community College: PROVIDED, That the source of funds for this appropriation be from the sale of the following described real property and any fixtures thereon: All of Block numbered 11 of Hill Tract Addition to the City of Seattle, King County, Washington; bounded on the East by 19th Avenue, on the South by Main Street, on the West by 18th Avenue, and on the North by the imaginary center line of Washington Street, extended Easterly to its intersection with 19th Avenue		
General Fund-State	857,600	

(3) For construction, repairs, remodeling, equipment, and other capital improvements at Peninsula community college		
General Fund-State	10,313	

(4) Construction, design, remodeling, conversion, land acquisition, renovation, alteration, and working drawings of vocational, academic, and other community college facilities (34,858,524)		
Community College Capital Projects Account	13,020,624	
Community College Capital Improvements Account	21,837,900	

	<i>Reappro- priations</i>	<i>From the Fund Designated</i>
(5) Emergency capital repairs (864,000)		
Community College Capital Projects Account	364,000	
Community College Capital Construction Account		500,000
(6) Construct and equip altera- tions and renovations that will abate hazardous conditions		
Community College Capital Construction Account		877,000
(7) Purchase, install, equip, and administer a pool of relocatable facili- ties (349,000)		
Community College Capital Projects Account	24,000	
Community College Capital Construction Account		325,000
(8) Construct and equip altera- tions that will correct deficiency condi- tions in existing facilities		
Community College Capital Construction Account		696,000
(9) Construct and equip vocational instruction, office, and learning re- source facilities and remodel facilities at Spokane Community college (11,889,000)		
Community College Capital Improvements Account		1,622,565
Community College Capital Construction Account		10,266,435
(10) Construct and equip vocational instruction and office facilities and remodel for learning resource facilities at Green River Community College		
Community College Capital Improvements Account		1,240,000
(11) Construct and equip vocational instruction, learning resource, and remodel facilities at Lower Columbia Community College		
Community College Capital Improvements Account		2,653,000
(12) Construct and equip vocational and science instruction, office and remodel facilities at Everett Commu- nity College		
Community College Capital Improvements Account		2,193,000
(13) Construct and equip vocational instruction, learning resources, and		

	<i>Reappro- priations</i>	<i>From the Fund Designated</i>
dining facilities and remodel facilities at Peninsula Community College		
Community College Capital Improvements Account		692,000
(14) Construct and equip addition to learning resource center, classroom/ office building and complete science laboratories at Shoreline Community College		
Community College Capital Improvements Account		1,706,000
(15) Construct and equip student center and remodel existing space for offices at Columbia Basin Community College		
Community College Capital Improvements Account		1,655,000
(16) Construct and equip a student center, offices, and an addition to the library at Spokane Falls Community College		
Community College Capital Improvements Account		3,656,000
(17) Construct and equip vocational instruction space at South Seattle Community College		
Community College Capital Improvements Account		673,000
(18) Construct and equip dining and student activity facilities at Fort Steilacoom Community College		
Community College Capital Improvements Account		1,142,000
(19) Construct and equip addition to dining and student activity areas and remodel existing space at Yakima Valley College		
Community College Capital Improvements Account		579,000
(20) Construct and equip physical education, science laboratory, and dining facilities at Edmonds Commu- nity College		
Community College Capital Improvements Account		2,645,000
Community College Capital Construction Account		160,000
(21) Construct and equip learning resource center and remodel existing space at Olympic Community College		
Community College Capital Improvements Account		1,489,000

	<i>Reappro- priations</i>	<i>From the Fund Designated</i>
(22) Construct and equip student activity facility at Walla Walla Community College		
Community College Capital Improvements Account		528,000
(23) Working drawings for new learning resource center, central storage and remodeling of existing facilities at Highline Community College		
Community College Capital Construction Account		277,000
(24) Working drawings for addition to learning resource center and structural improvements at Clark Community College		
Community College Capital Construction Account		44,000
(25) Working drawings for utility distribution tunnels at Highline Community College		
Community College Capital Construction Account		61,000
(26) Working drawings for fine arts and office space in Old Broadway High School auditorium at Central Seattle Community College		
Community College Capital Construction Account		116,000
(27) Working drawings for repairs to Ehret Hall at Centralia Community College		
Community College Capital Construction Account		24,000
(28) Working drawings for instruction space for music at Shoreline Community College		
Community College Capital Construction Account		40,000
(29) Working drawings for learning resource center, vocational, fine arts, and skills lab instructions space as well as storage and student activity space at South Seattle Community College		
Community College Capital Construction Account		213,000
(30) Working drawings for maintenance shops and water mains at Green River Community College		
Community College Capital Construction Account		80,000
(31) Working drawing for altera-		

*Reappro-
priations**From the
Fund Designated*

tions to Art and Music Building for
handicapped students at Olympic
Community College

Community College Capital
Construction Account

14,000

(32) Working drawings for green-
house and science laboratory at Ev-
erett Community College

Community College Capital
Construction Account

5,000

(33) Working drawings for renova-
tions to vocational facilities at Clark
Community College

Community College Capital
Construction Account

31,000

(34) Working drawings for flight
planning program facilities at Big
Bend Community College

Community College Capital
Construction Account

4,000

(35) Working drawings for con-
verting dormitory space to offices at
Olympic Community College

Community College Capital
Construction Account

5,000

(36) Working drawings for welding
laboratories and storage space at Ev-
erett Community College

Community College Capital
Construction Account

14,000

(37) Working drawings for geology
laboratory at Highline Community
College

Community College Capital
Construction Account

6,000

(38) Construct and equip health,
physical education, and recreation fa-
cility at Walla Walla Community Col-
lege. The proceeds from the sale of the
old physical education facility shall
provide an additional source of funds
for the project contained in this subsec-
tion

Community College Capital
Construction Account

800,000

(39) Working drawings for science
laboratories and fine arts instruction
space and remodel existing space at
Edmonds Community College

Community College Capital
Construction Account

89,000

	<i>Reappro- priations</i>	<i>From the Fund Designated</i>
(40) Working drawings for an expansion of physical education locker space at Fort Steilacoom Community College		
Community College Capital Construction Account		14,000
(41) Working drawings for fine arts, lecture and office space at Fort Steilacoom Community College		
Community College Capital Construction Account		49,000
(42) Preplanning for the 1977-79 capital budget request		
Community College Capital Construction Account		65,000

NEW SECTION. Sec. 19. FOR THE BOARD OF EDUCATION-SUPERINTENDENT OF PUBLIC INSTRUCTION

	<i>Reappro- priations</i>	<i>From the Fund Designated</i>
Public school building planning, construction, remodeling and demolitions: PROVIDED, That an amount not to exceed \$205,000 shall be utilized to fund the school buildings systems study as directed by RCW 28A.04.310: PROVIDED FURTHER, That funds appropriated in this section shall not be expended for either planning or construction of occupational skill centers (172,835,085)		
Common School Building Construction Account	3,900,000	
Common School Construction Fund	49,612,893	119,322,192

NEW SECTION. Sec. 20. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

	<i>Reappro- priations</i>	<i>From the Fund Designated</i>
(1) Pave parking lot on land donated to the Society		
General Fund	6,800	
(2) Replace roof on main museum building		
General Fund-State Building Construction Account		12,000

NEW SECTION. Sec. 21. FOR THE STATE PATROL

	<i>Reappro- priations</i>	<i>From the Motor Vehicle Fund</i>
(1) Relocation of existing weigh stations (228,900)		
Motor Vehicle Fund	214,900	14,000

	<i>Reappro- priations</i>	<i>From the Fund Designated</i>
(2) Construct radio relay station- Green/Gold mountain (50,750) Motor Vehicle Fund	34,750	16,000
(3) Land Acquisition for radio relay station-Columbia River Motor Vehicle Fund	50,000	
(4) Site development and construc- tion radio relay stations-North Cross Highway Motor Vehicle Fund	150,000	
(5) Construct warehouse-Bellevue Motor Vehicle Fund	325,000	
(6) Construct detachment office- Ellensburg Motor Vehicle Fund	10,660	
(7) Purchase and renovation of building for detachment office-Moses Lake		75,000
(8) Land acquisition and construc- tion-radio relay station-Pomeroy		40,000
(9) Land acquisition for radio relay station-Clarkston		10,000
(10) Land acquisition for radio relay station-Colville		10,000
(11) Construct addition-Patrol Academy		50,000
(12) Improvements-Detachment of- fice-Kelso		10,000
(13) Improvements-Detachment of- fice-Chehalis		10,000
(14) Repair of existing facilities		100,000
(15) Replace auxiliary power plants		18,500

NEW SECTION. Sec. 22. The departments of social and health services and general administration shall give primary consideration in both the design and construction of new facilities to: (1) The use of solar energy and other natural and appurtenant heat sources; and (2) the architectural means of exploiting such heat sources. The intent of the requirement imposed by this section is to reduce the state's reliance on the continued use of fossil fuels as a primary energy source and thereby reduce the long term operating costs of new state facilities. The departments shall submit a joint report to both the governor and legislature on the results of the implementation of this section. Such report shall be presented to the next regular session of the legislature for its consideration.

NEW SECTION. Sec. 23. During the 1975-77 biennium the state parks and recreation commission shall make no contractual agreements or receive any donation of real property or an interest therein which commits the commission to either assuming on a current basis or to requesting funds at a future time for development or acquisition costs without prior approval of the legislative budget committee.

NEW SECTION. Sec. 24. The words "capital improvements" or "capital projects" used herein shall mean acquisition of sites, easements, rights of way, or improvements thereon and appurtenances thereto, construction and initial equipment, reconstruction, demolition, or major alterations of new or presently owned capital assets.

NEW SECTION. Sec. 25. Before a capital project shall begin or an obligation is

incurred or a contract entered into, the director of the office of program planning and fiscal management, with the approval of the governor and in compliance with section 2 of this act, shall first allot funds therefor or so much as may be necessary from the appropriation made herein.

NEW SECTION. Sec. 26. 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. 27. Reappropriations shall be limited to the unexpended balances remaining June 30, 1975, in the current appropriation for each project.

NEW SECTION. Sec. 28. The governor, through the director of the office of program planning and fiscal management, may authorize a transfer of funds appropriated for a capital project in excess of the amount required for the completion of such project to another capital project for which the appropriation is insufficient only within the department of social and health services, or between appropriations for a specific department, commission or institution of higher education. No such transfer shall be used to expand the capacity of any facility beyond that anticipated by the legislature in making the appropriation. A report of any transfer effected under this section shall be filed with the legislative auditor for transmittal to the legislative budget committee by the director of the office of program planning and fiscal management within thirty days of the date the transfer is effected.

NEW SECTION. Sec. 29. 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: PROVIDED FURTHER, That it is the intent of the legislature that in any decision to contract for capital projects funded as the result of this act, full and fair consideration shall be given to minority contractors.

NEW SECTION. Sec. 30. 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. 31. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

Signed by: Senators Donohue, Newschwander and Odegaard; Representatives Shinpoch, Bagnariol and Polk.

MOTION

On motion of Senator Mardesich, the report of the Conference Committee on Engrossed Substitute House Bill No. 206 was adopted and the committee was granted the powers of Free Conference.

SIGNED BY THE PRESIDENT

The President signed:
HOUSE BILL NO. 49,
SUBSTITUTE HOUSE BILL NO. 164,
HOUSE BILL NO. 174,
HOUSE BILL NO. 278,
SUBSTITUTE HOUSE BILL NO. 435,
HOUSE BILL NO. 695,
SUBSTITUTE HOUSE BILL NO. 860,
SUBSTITUTE HOUSE BILL NO. 1174.

REPORT OF CONFERENCE COMMITTEE

June 8, 1975.

Mr. Speaker:
Mr. President:

We, of your Conference Committee, to whom was referred ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 827, relating to changes in public disclosure provisions, have had the same under consideration, and we report that we are unable to agree and request the powers of free conference for the purpose of amending the bill as follows:

An act relating to open government; amending section 1, chapter 1, Laws of 1973 and RCW 42.17.010; amending section 2, chapter 1, Laws of 1973 and RCW 42.17.020; amending section 4, chapter 1, Laws of 1973 and RCW 42.17.040; amending section 6, chapter 1, Laws of 1973 and RCW 42.17.060; amending section 8, chapter 1, Laws of 1973 and RCW 42.17.080; amending section 9, chapter 1, Laws of 1973 and RCW 42.17.090; amending section 12, chapter 1, Laws of 1973 and RCW 42.17.120; amending section 16, chapter 1, Laws of 1973 and RCW 42.17.160; amending section 17, chapter 1, Laws of 1973 and RCW 42.17.170; amending section 18, chapter 1, Laws of 1973 and RCW 42.17.180; amending section 19, chapter 1, Laws of 1973 and RCW 42.17.190; amending section 24, chapter 1, Laws of 1973 and RCW 42.17.240; amending section 26, chapter 1, Laws of 1973 and RCW 42.17.260; amending section 27, chapter 1, Laws of 1973 and RCW 42.17.270; amending section 29, chapter 1, Laws of 1973 and RCW 42.17.290; amending section 31, chapter 1, Laws of 1973 and RCW 42.17.310; amending section 32, chapter 1, Laws of 1973 and RCW 42.17.320; amending section 33, chapter 1, Laws of 1973 and RCW 42.17.330; amending section 34, chapter 1, Laws of 1973 and RCW 42.17.340; amending section 35, chapter 1, Laws of 1973 and RCW 42.17.350; amending section 36, chapter 1, Laws of 1973 and RCW 42.17.360; amending section 37, chapter 1, Laws of 1973 and RCW 42.17.370; amending section 38, chapter 1, Laws of 1973 and RCW 42.17.380; amending section 40, chapter 1, Laws of 1973 and RCW 42.17.400; adding new sections to chapter 42.17 RCW; creating new sections; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Section 1. Section 1, chapter 1, Laws of 1973 and RCW 42.17.010 are each amended to read as follows:

It is hereby declared by the sovereign people to be the public policy of the state of Washington:

(1) That political campaign and lobbying contributions and expenditures be fully disclosed to the public and that secrecy is to be avoided.

(2) That the people have the right to expect from their elected representatives at all levels of government the utmost of integrity, honesty, and fairness in their dealings.

(3) That the people shall be assured that the private financial dealings of their public officials, and of candidates for those offices, present no conflict of interest between the public trust and private interest.

(4) That our representative form of government is founded on a belief that those entrusted with the offices of government have nothing to fear from full public disclosure of their financial and business holdings, provided those officials deal honestly and fairly with the people.

(5) That public confidence in government at all levels is essential and must be promoted by all possible means.

(6) That public confidence in government at all levels can best be sustained by assuring the people of the impartiality and honesty of the officials in all public transactions and decisions.

(7) That the concept of attempting to increase financial participation of individual contributors in political campaigns is encouraged by the passage of the Revenue Act of 1971 by the Congress of the United States, and in consequence thereof, it is desirable to have implementing legislation at the state level.

(8) That the concepts of disclosure and limitation of election campaign financing are established by the passage of the Federal Election Campaign Act of 1971 by the Congress of the United States, and in consequence thereof it is desirable to have implementing legislation at the state level.

(9) That small contributions by individual contributors are to be encouraged, and that not requiring the reporting of small contributions may tend to encourage such contributions.

(10) That the public's right to know of the financing of political campaigns and lobbying and the financial affairs of elected officials and candidates far outweighs any right that these matters remain secret and private.

(11) That, mindful of the right of individuals to privacy and of the desirability of the efficient administration of government, full access to information concerning the conduct of government on every level must be assured as a fundamental and necessary precondition to the sound governance of a free society.

The provision of this chapter shall be liberally construed to promote complete disclosure of all information respecting the financing of political campaigns and lobbying, and the financial affairs of elected officials and candidates, and full access to public records so as to assure continuing public confidence of fairness of elections and governmental processes, and so as to assure that the public interest will be fully protected. *In promoting such complete disclosure, however, this chapter shall be enforced so as to insure that the information disclosed will not be misused for arbitrary and capricious purposes and to insure that all persons reporting under this chapter will be protected from harassment and unfounded allegations based on information they have freely disclosed.*

Sec. 2. Section 2, chapter 1, Laws of 1973 and RCW 42.17.020 are each amended to read as follows:

(1) "Agency" includes all state agencies and all local agencies. "State agency" includes every state office, public official, department, division, bureau, board, commission, or other state agency. "Local agency" includes every county, city, city and county, school district, municipal corporation, district, political subdivision, or any board, commission, or agency thereof, or other local public agency.

(2) "Ballot proposition" means any "measure" as defined by RCW 29.01.110, or any initiative, recall, or referendum proposition proposed to be submitted to the voters of [any specific] *the state or any municipal corporation, political subdivision or other voting constituency [which] from and after the time when such proposition has been initially filed with the appropriate election officer of that constituency prior to its circulation for signatures.*

(3) "Campaign depository" means a bank designated by a candidate or political committee pursuant to RCW 42.17.050.

(4) "Campaign treasurer" and "deputy campaign treasurer" mean the individuals appointed by a candidate or political committee, pursuant to RCW 42.17.050, to perform the duties specified in that section.

(5) "Candidate" means any individual who seeks election to public office. An individual shall be deemed to seek election when he first:

(a) receives contributions or makes expenditures or reserves space or facilities with the intent to promote his candidacy for office; or

(b) Announces publicly or files for office.

(6) "Commercial advertiser" means any person who sells the service of communicating messages or producing printed material for broadcast or distribution to the general public or segments of the general public whether through the use of newspapers, magazines, television and radio stations, billboard companies, direct mail advertising companies, printing companies, or otherwise.

(7) "Commission" means the agency established under RCW 42.17.350.

(8) "*Compensation*" unless the context requires a narrower meaning, includes payment in any form for real or personal property or services of any kind: *PROVIDED, That for the purpose of compliance with RCW 42.17.240, as now or hereafter amended, the term "compensation" shall not include per diem allowances or other pay-*

ments made by a governmental entity to reimburse a public official for expenses incurred while such official is engaged in the official business of such governmental entity.

(9) "Continuing political committee" means a political committee which is an organization of continuing existence not established in anticipation of any particular election.

(10) "Contribution" includes a loan, gift, deposit, subscription, forgiveness of indebtedness, donation, advance, pledge, payment, transfer of funds between political committees, or transfer of anything of value, including personal and professional services for less than full consideration, but does not include *interest on moneys deposited in a political committee's account*, ordinary home hospitality and the rendering of "part time" personal services of the sort commonly performed by volunteer campaign workers or incidental expenses *personally incurred by volunteer campaign workers* not in excess of twenty-five dollars personally paid for by [any volunteer campaign] *such worker*. "Part time" services, for the purposes of this chapter, means services in addition to regular full time employment, or, in the case of an unemployed person, services not in excess of twenty hours per week, excluding weekends. For the purposes of this chapter, contributions other than money or its equivalents shall be deemed to have a money value equivalent to the fair market value of the contribution. Sums paid for tickets to fund-raising events such as dinners and parties are contributions; however, the amount of any such contribution may be reduced for the purpose of complying with the reporting requirements of this chapter, by the actual cost of consumables furnished in connection with the purchase of such tickets, and only the excess over actual cost of such consumables shall be deemed a contribution.

[(9)] (11) "Elected official" means any person elected at a general or special election to any public office, and any person appointed to fill a vacancy in any such office.

[(10)] (12) "Election" includes any primary, general, or special election for public office and any election in which a ballot proposition is submitted to the voters: *PROVIDED, That an election in which the qualifications for voting include other than those requirements set forth in Article VI, section 1 (Amendment 63) of the Constitution of the state of Washington shall not be considered an election for purposes of this chapter.*

[(11)] (13) "Election campaign" means any campaign in support of or in opposition to a candidate for election to public office and any campaign in support of, or in opposition to, a ballot proposition.

[(12)] (14) "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. The term "expenditure" also includes a promise to pay, a payment or a transfer of anything of value in exchange for goods, services, property, facilities, or anything of value for the purpose of assisting, benefiting, or honoring any public official or candidate, or assisting in furthering or opposing any election campaign. *For the purposes of this chapter, agreements to make expenditures, contracts, and promises to pay may be reported as estimated obligations until actual payment is made. The term "expenditure" shall not include the partial nor complete repayment by a candidate or political committee of the principal of a loan, the receipt of which loan has been properly reported, or payment of service charges against a political committee's campaign account.*

[(13)] (15) "Final report" means the report described as a final report in RCW 42.17.080(2).

[(14)] (16) "Immediate family" includes the spouse [and children living in the household and other relatives living in the household] , *dependent children, and other dependent relatives, if living in the household.*

[(15)] (17) "Legislation" means bills, resolutions, motions, amendments, nominations, and other matters pending or proposed in either house of the state legislature, and includes any other matter which may be the subject of action by either house, or any committee of the legislature and all bills and resolutions which having passed both houses, are pending approval by the governor.

[(16)] (18) "Lobby" and "lobbying" each mean attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, or the

adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency under the state Administrative Procedure Acts, chapter 34.04 RCW and chapter 28B.19 RCW.

[(17)] (19) "Lobbyist" includes any person who shall lobby either in his own or another's behalf.

[(18)] (20) "Lobbyist's employer" means the person or persons by whom a lobbyist is employed and all persons by whom he is compensated for acting as a lobbyist.

[(19)] (21) "Person" includes an individual, partnership, joint venture, public or private corporation, association, federal, state or local governmental entity or agency however constituted, candidate, committee, political committee, political party, executive committee thereof, or any other organization or group of persons, however organized.

[(20)] (22) "Person in interest" means the person who is the subject of a record or any representative designated by said person, except that if such person be under a legal disability, the term "person in interest" shall mean and include the parent or duly appointed legal representative.

[(21)] (23) "Political advertising" includes any advertising displays, newspaper ads, billboards, signs, brochures, articles, tabloids, flyers, letters, radio or television presentations or other means of mass communication, used for the purpose of appealing, directly or indirectly, for votes or for financial or other support in any election campaign.

[(22)] (24) "Political committee" means any person (except a candidate or an individual dealing with his own funds or property) having the expectation of receiving contributions or making expenditures in support of, or opposition to, any candidate or any ballot proposition.

[(23)] (25) "Public office" means any federal, state, county, city, town, school district, port district, special district, or other state political subdivision elective office.

[(24)] (26) "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.

[(25)] (27) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums, and other documents.

As used in this chapter, the singular shall take the plural and any gender, the other, as the context requires.

Sec. 3. Section 4, chapter 1, Laws of 1973 and RCW 42.17.040 are each amended to read as follows:

(1) Every political committee, within ten days after its organization or within ten days after the date when it first has the expectation of receiving contributions or making expenditures in any election campaign, whichever is earlier, shall file a statement of organization with the commission and with the county auditor of the county in which the candidate resides (or in the case of a political committee supporting or opposing a ballot proposition, the county in which the campaign treasurer resides). Each political committee in existence on the effective date of this act shall file a statement of organization with the commission within ninety days after such effective date.

(2) The statement of organization shall include but not be limited to:

- (a) The name and address of the committee;
- (b) The names and addresses of all related or affiliated committees or other persons, and the nature of the relationship or affiliation;
- (c) The names, addresses, and titles of its officers; or if it has no officers, the names, addresses, and titles of its responsible leaders;
- (d) The name and address of its campaign treasurer and campaign depository;
- (e) A statement whether the committee is a continuing one;

(f) The name, office sought, and party affiliation of each candidate whom the committee is supporting or opposing, and, if the committee is supporting the entire ticket of any party, the name of the party;

(g) The ballot proposition concerned, if any, and whether the committee is in favor of or opposed to such proposition;

(h) What distribution of surplus funds will be made in the event of dissolution; [and]

(i) *The hours during which the committee will make available for public inspection its books of account and all reports filed in accordance with section 5 of this 1975 amendatory act and RCW 42.17.080, as now or hereafter amended; and*

(j) Such other information as the commission may by regulation prescribe, in keeping with the policies and purposes of this chapter.

(3) Any material change in information previously submitted in a statement of organization shall be reported to the commission and to the appropriate county auditor within the ten days following the change.

Sec. 4. Section 6, chapter 1, Laws of 1973 and RCW 42.17.060 are each amended to read as follows:

(1) All monetary contributions received by a candidate or political committee shall be deposited by the campaign treasurer or deputy treasurer in a campaign depository in an account designated, "Campaign Fund of" (name of candidate or political committee).

(2) All deposits made by a campaign treasurer or deputy campaign treasurer shall be accompanied by a statement containing the name of each person contributing the funds so deposited and the amount contributed by each person: PROVIDED, That contributions not exceeding [five] *ten* dollars from any one person may be deposited without identifying the contributor. The statement shall be in triplicate, upon a form prescribed by the commission, one copy to be retained by the campaign depository for its records *for the minimum term of three years*, one copy to be filed by the campaign treasurer with the commission, and one copy to be retained by the campaign treasurer for his records. In the event of deposits made by a deputy campaign treasurer, the third copy shall be forwarded to the campaign treasurer to be retained by him for his records. Each statement shall be certified as correct by the campaign treasurer or deputy campaign treasurer making the deposit.

(3) [(a) Accumulated anonymous contributions in excess of one dollar from any individual contributor, and

(b)] *Political committees which support or oppose more than one candidate or ballot proposition, or exist for more than one purpose, may maintain multiple separate bank accounts within the same designated depository for such purpose: PROVIDED, That each such account shall bear the same name followed by an appropriate designation which accurately identifies its separate purpose: AND PROVIDED- FURTHER, That transfers of funds which must be reported under RCW 42.17.090(1)(d), as now or hereafter amended, may not be made from more than one such account.*

(4) *Accumulated [anonymous] unidentified contributions, other than those made by persons whose names must be maintained on a separate and private list by a political committee's campaign treasurer pursuant to RCW 42.17.090(1)(b), which total in excess of one percent of the total accumulated contributions received [to date] in the current calendar year or three hundred dollars (whichever is [less] more), shall not be deposited, used, or expended, but shall be returned to the donor, if his identity can be ascertained. If the donor cannot be ascertained, the contribution shall escheat to the state, and shall be paid to the state treasurer for deposit in the state general fund.*

NEW SECTION. Sec. 5. There is added to chapter 42.17 RCW a new section to read as follows

(1) In addition to the provisions of this section, a continuing political committee shall file and report on the same conditions and at the same times as any other committee in accordance with the provisions of RCW 42.17.040, 42.17.050, and 42.17.060.

(2) A continuing political committee shall file with the commission and the auditor of the county in which the committee treasurer resides a report on the tenth day of the

month detailing its activities for the preceding calendar month in which the committee has received a contribution or made an expenditure: PROVIDED, That interest on moneys deposited or service charges shall not be deemed contributions or expenditures. The report shall be on a form supplied by the commission and shall include the following information:

- (a) The information required by RCW 42.17.090;
- (b) Each expenditure made to retire previously accumulated debts of the committee; identified by recipient, amount, and date of payments;
- (c) Such other information as the commission shall by rule prescribe.
- (3) If a continuing political committee shall make a contribution in support of or in opposition to a candidate or ballot proposition within sixty days prior to the date on which such candidate or ballot proposition will be voted upon, such continuing political committee shall report pursuant to RCW 42.17.080, as now or hereafter amended, until twenty-one days after said election.
- (4) A continuing political committee shall file reports as required by this chapter until it is dissolved, at which time a final report shall be filed. Upon submitting a final report, the duties of the campaign treasurer shall cease and there shall be no obligation to make any further reports.
- (5) The campaign treasurer shall maintain books of account in accordance with generally accepted accounting principles reflecting all contributions and expenditures on a current basis within three business days of receipt or expenditure. During the eight days immediately preceding the date of any election, for which the committee has received any contributions or made any expenditures, the books of account shall be kept current within one business day and shall be open for public inspection for at least two consecutive hours Monday through Friday, excluding legal holidays, between 8:00 a.m. and 8:00 p.m., as specified in the committee's statement of organization filed pursuant to RCW 42.17.040 as now or hereafter amended, at the principal campaign headquarters or, if there is no campaign headquarters, at the address of the campaign treasurer.
- (6) All reports filed pursuant to this section shall be certified as correct by the campaign treasurer.

Sec. 6. Section 8, chapter 1, Laws of 1973 and RCW 42.17.080 are each amended to read as follows:

(1) On the day the campaign treasurer is designated, each candidate or political committee shall file with the commission and the county auditor of the county in which the candidate resides (or in the case of a political committee supporting or opposing a ballot proposition, the county in which the campaign treasurer resides), in addition to any statement of organization required under RCW 42.17.040, a report of all contributions received and expenditures made in the election campaign prior to that date[: PROVIDED, That if the political committee is an organization of continuing existence not established in anticipation of any particular election the campaign treasurer shall report, at the times required by this chapter, and at such other times as are designated by the commission, all contributions received and expenditures made since the date of his or his predecessor's last report. In addition to any statement of organization required under RCW 42.17.040, the initial report of the campaign treasurer of such a political committee in existence at the time this chapter becomes effective need include only:

- (a) The funds on hand at the time of the report, and
- (b) Such other information as shall be required by the commission by regulation in conformance with the policies and purposes of this chapter].

(2) At the following intervals each campaign treasurer shall file with the commission and the county auditor of the county in which the candidate resides (or in the case of a political committee supporting or opposing a ballot proposition the county in which the campaign treasurer resides) a further report of the contributions received and expenditures made since the date of the last report:

- (a) On the fifth and nineteenth days immediately preceding the date on which the election is held; and
- (b) Within ten days after the date of a primary election, and within twenty-one days after the date of all other elections; and

(c) On the tenth day of each month preceding the election in which no other reports are required to be filed under this section: *PROVIDED, That such report shall only be filed if the committee has received a contribution or made an expenditure in the preceding calendar month. Interest on moneys deposited or service charges shall not be deemed contributions or expenditures.*

The report filed under paragraph (b) above shall be the final report if there is no outstanding debt or obligation, and the campaign fund is closed, and the campaign is concluded in all respects, and if in the case of a political committee, the committee has ceased to function and has dissolved. If the candidate or political committee has any outstanding debt or obligation, additional reports shall be filed at least once every six months until the obligation or indebtedness is entirely satisfied at which time a final report shall be filed. [A continuing political committee shall file reports as required by this chapter until it is dissolved, at which time a final report shall be filed.] Upon submitting a final report, the duties of the campaign treasurer shall cease and there shall be no obligation to make any further reports.

(3) The campaign treasurer shall maintain books of account in accordance with generally accepted accounting principles reflecting all contributions and expenditures on a current basis within three business days of receipt or expenditure. During the eight days immediately preceding the date of the election the books of account shall be kept current within one business day and shall be open for public inspection [during normal business hours] *for at least two consecutive hours Monday through Friday, excluding legal holidays, between 8:00 a.m. and 8:00 p.m., as specified in the committee's statement of organization filed pursuant to RCW 42.17.040 as now or hereafter amended,* at the principal campaign headquarters or, if there is no campaign headquarters, at the address of the campaign treasurer.

(4) All reports filed pursuant to this section shall be certified as correct by the candidate and the campaign treasurer.

(5) Copies of all reports filed pursuant to this section shall be readily available for public inspection *for at least two consecutive hours Monday through Friday, excluding legal holidays, between 8:00 a.m. and 8:00 p.m., as specified in the committee's statement of organization filed pursuant to RCW 42.17.040 as now or hereafter amended,* at the principal campaign headquarters or, if there is no campaign headquarters, at the address of the campaign treasurer.

Sec. 7. Section 9, chapter 1, Laws of 1973 and RCW 42.17.090 are each amended to read as follows:

(1) Each report required under RCW 42.17.080 shall disclose for the period beginning at the end of the period for the last report or, in the case of an initial report, at the time of the first contribution or expenditure, and ending not more than three days prior to the date the report is due:

(a) The funds on hand at the beginning of the period;

(b) The name and address of each person who has made one or more contributions during the period, together with the money value and date of such contributions and the aggregate value of all contributions received from each such person during the preceding twelve-month period: *PROVIDED, That contributions not exceeding [five] ten dollars in aggregate from any one person during the election campaign may be reported as one lump sum so long as the campaign treasurer maintains a separate and private list of the names, addresses, and amounts of each such contributor;*

(c) Each loan, promissory note, or security instrument to be used by or for the benefit of the candidate or political committee made by any person, together with the names and addresses of the lender and each person liable directly, indirectly or contingently and the date and amount of each such loan, promissory note, or security instrument;

(d) The name and address of each political committee from which the reporting committee or candidate received, or to which that committee or candidate made, any transfer of funds, together with the amounts, dates, and purpose of all such transfers;

(e) All other contributions not otherwise listed or exempted;

(f) The name and address of each person to whom an expenditure was made in the

aggregate amount of twenty-five dollars or more, and the amount, date, and purpose of each such expenditure;

- (g) The total sum of expenditures;
- (h) The surplus or deficit of contributions over expenditures;
- (i) The disposition made of any surplus of contributions over expenditures;
- (j) Such other information as shall be required by the commission by regulation in conformance with the policies and purposes of this chapter; and

(k) Funds received from a political committee not domiciled in Washington state and not otherwise required to report under this chapter (a "nonreporting committee"). Such funds shall be forfeited to the state of Washington unless the nonreporting committee *or the recipient of such funds* has filed *or within three days following such receipt shall file* with the commission a statement disclosing: (i) its name and address; (ii) the purposes of the nonreporting committee; (iii) the names, addresses, and titles of its officers or if it has no officers, the names, addresses, and titles of its responsible leaders; (iv) a statement whether the nonreporting committee is a continuing one; (v) the name, office sought, and party affiliation of each candidate in the state of Washington whom the nonreporting committee is supporting, and, if such committee is supporting the entire ticket of any party, the name of the party; (vi) the ballot proposition supported or opposed in the state of Washington, if any, and whether such committee is in favor of or opposed to such proposition; (vii) the name and address of each person residing in the state of Washington or corporation which has a place of business in the state of Washington who has made one or more contributions to the nonreporting committee during the preceding twelve-month period, together with the money value and date of such contributions; (viii) the name and address of each person in the state of Washington to whom an expenditure was made by the nonreporting committee on behalf of a candidate or political committee in the aggregate amount of twenty-five dollars or more, the amount, date, and purpose of such expenditure, and the total sum of such expenditures; (ix) such other information as the commission may by regulation prescribe, in keeping with the policies and purposes of this chapter.

(2) The campaign treasurer and the candidate shall certify the correctness of each report.

Sec. 8. Section 12, chapter 1, Laws of 1973 and RCW 42.17.120 are each amended to read as follows:

No contribution shall be made and no expenditure shall be incurred, directly or indirectly, in a fictitious name, anonymously, or by one person through an agent, relative, or other person in such a manner as to conceal the identity of the source of the contribution *or in any other manner so as to effect concealment*.

Sec. 9. Section 16, chapter 1, Laws of 1973 and RCW 42.17.160 are each amended to read as follows:

The following persons and activities shall be exempt from registration and reporting under RCW 42.17.150, 42.17.170, 42.17.190, and 42.17.200:

(1) Persons who limit their lobbying activities to appearance before public sessions of committees of the legislature, or public hearings of state agencies.

(2) News or feature reporting activities and editorial comment by working members of the press, radio, or television and the publication or dissemination thereof by a newspaper, book publisher, regularly published periodical, radio station, or television station.

(3) [Lobbying] *Persons who lobby* without compensation or other consideration *for acting as a lobbyist*: PROVIDED, Such person makes no expenditure for or on behalf of any member of the legislature or elected official or public officer or employee of the state of Washington in connection with such lobbying. Any person exempt under this subsection (3) may at his option register and report under this chapter.

(4) *Persons who restrict their lobbying activities to no more than four days or parts thereof during any three-month period and whose total expenditures during such three-month period for or on behalf of any one or more members of the legislature or state elected officials or public officers or employees of the state of Washington in connection with such lobbying do not exceed fifteen dollars*: PROVIDED, That the commission

shall promulgate regulations to require disclosure by persons exempt under this subsection or their employers or entities which sponsor or coordinate the lobbying activities of such persons if it determines that such regulations are necessary to prevent frustration of the purposes of this chapter. Any person exempt under this subsection (4) may at his option register and report under this chapter.

[(4)] (5) The governor.

[(5)] (6) The lieutenant governor.

[(6)] (7) Except as provided by RCW 42.17.190(1), members of the legislature.

[(7)] (8) Except as provided by RCW 42.17.190(1), persons employed by the legislature for the purpose of aiding in the preparation [and] or enactment of legislation or the performance of legislative duties.

[(8)] (9) Except as provided by RCW 42.17.190 elected state officers, state officers appointed by the governor subject to confirmation by the senate, and employees of any state agency.

Sec. 10. Section 17, chapter 1, Laws of 1973 and RCW 42.17.170 are each amended to read as follows:

(1) Any lobbyist registered under RCW 42.17.150 and any person who lobbies shall file with the commission periodic reports of his activities signed by both the lobbyist and the lobbyist's employers. The reports shall be made in the form and manner prescribed by the commission. They shall be due quarterly and shall be filed within thirty days after the end of the calendar quarter covered by the report. In addition to the quarterly reports, while the legislature is in session, any lobbyist who lobbies with respect to any legislation shall file interim weekly periodic reports for each week that the legislature is in session, which reports need be signed only by the lobbyist and which shall be filed on each Tuesday for the activities of the week ending on the preceding Saturday: *PROVIDED, That it shall not be necessary to file any such interim weekly periodic reports for any week during which no expenditure reportable under subsection (2) hereof was made by the reporting person.*

(2) Each such quarterly and weekly periodic report shall contain:

(a) The totals of all expenditures made or incurred by such lobbyist or on behalf of such lobbyist by the lobbyist's employer during the period covered by the report, which totals shall be segregated according to financial category, including food and refreshments; living accommodations; advertising; travel; telephone; contributions; office expenses, including rent and the salaries and wages paid for staff and secretarial assistance, or the proportionate amount thereof, paid or incurred for lobbying activities; and other expenses or services: *PROVIDED HOWEVER, That unreimbursed personal living and travel expenses of a lobbyist not incurred directly or indirectly for any lobbying purpose need not be reported: AND PROVIDED FURTHER, That the interim weekly reports of legislative lobbyists for the legislative session need show only the expenditures for food and refreshments; living accommodations; travel; contributions; and such other categories as the commission shall prescribe by rule. Each individual expenditure of more than fifteen dollars for entertainment shall be identified by date, place, amount, and the names of all persons in the group partaking in or of such entertainment including any portion thereof attributable to the lobbyist's participation therein but without allocating any portion of such expenditure to individual participants.*

(b) In the case of a lobbyist employed by more than one employer, the proportionate amount of such expenditures in each category incurred on behalf of each of his employers.

(c) An itemized listing of each such expenditure in the nature of a contribution of money or tangible or intangible personal property to any legislator, or for or on behalf of any legislator. All contributions made to, or for the benefit of, any legislator shall be identified by date, amount, and the name of the legislator receiving, or to be benefited by each such contribution.

(d) The subject matter of proposed legislation or rulemaking; the proposed rules, standards, rates, or other legislative enactments under chapter 34.04 RCW and chapter 28B.19 RCW (the state Administrative Procedure Acts) and the state agency considering

the same; and the number of each senate or house bill, resolution, or other legislative activity which the lobbyist has been engaged in supporting or opposing during the reporting period: PROVIDED, That in the case of appropriations bills the lobbyist shall enumerate the specific section or sections which he supported or opposed.

Sec. 11. Section 18, chapter 1, Laws of 1973 and RCW 42.17.180 are each amended to read as follows:

Every employer of a lobbyist registered under this chapter *during the preceding calendar year* shall file with the commission on or before [January] March 31st of each year a statement disclosing for the preceding [twelve months] *calendar year* the following information:

(1) The name of each *state* elected official [, and the name of each candidate [, or] for state office who was elected to such office and any member of [his] the immediate family of such persons to whom such employer has paid any compensation in the amount of five hundred dollars or more during the preceding calendar year for personal employment or professional services, including professional services rendered by a corporation, partnership, joint venture, association, union, or other entity in which such person holds any office, directorship, or any general partnership interest, or an ownership interest of ten percent or more, the value of such compensation in accordance with the reporting provisions set out in RCW 42.17.240(2), as now or hereafter amended, and the consideration given or performed in exchange for such compensation.

(2) The name of [any corporation, partnership, joint venture, association, union or other entity of which any elected official, candidate, or any member of his immediate family is a member, officer, partner, director, associate or employee and to which the employer has paid compensation, the value of such compensation and the consideration given or performed in exchange for such compensation.] *each state elected official, successful candidate for state office or members of his immediate family to whom the lobbyist employer made expenditures, directly or indirectly, either through a lobbyist or otherwise, the amount of such expenditures and the purpose for such expenditures: PROVIDED, That for the purposes of this subsection, the term expenditure shall not include any expenditure made by the employer in the ordinary course of business if such expenditure is not made for the purpose of influencing, honoring, or benefiting such elected official, successful candidate or member of his immediate family, as an elected official or candidate.*

(3) *The total expenditures made by the employer for lobbying purposes, whether through or on behalf of a registered lobbyist or otherwise.*

(4) *All contributions made to a candidate for state office, to a political committee supporting or opposing a candidate for state office, or to a political committee supporting or opposing a statewide ballot proposition. Such contributions shall be identified by the name and the address of the recipient and the aggregate amount contributed to each such recipient.*

(5) *The name and address of each registered lobbyist employed by such employer.*

(6) *Such other information as the commission shall by rule prescribe.*

Sec. 12. Section 19, chapter 1, Laws of 1973 and RCW 42.17.190 are each amended to read as follows:

(1) Every legislator and every committee of the legislature shall file with the commission quarterly reports listing the names, addresses, and salaries of all persons employed by the person or committee making the filing for the purpose of aiding in the preparation [and] or enactment of legislation or the performance of legislative duties of such legislator or committee during the preceding quarter. The reports shall be made in the form and the manner prescribed by the commission and shall be filed between the first and tenth days of each calendar quarter: PROVIDED, That the information required by this subsection may be supplied, insofar as it is available, by the chief clerk of the house of representatives or by the secretary of the senate on a form prepared by the commission.

(2) Unless expressly authorized by law, no state funds shall be used directly or indirectly for lobbying: PROVIDED, This shall not prevent state officers or employees from communicating with a member of the legislature on the request of that member; or

communicating to the legislature, through the proper official channels, requests for legislative action or appropriations which are deemed necessary for the efficient conduct of the public business or actually made in the proper performance of their official duties: PROVIDED FURTHER, That this subsection shall not apply to the legislative branch.

(3) Each state agency which expends state funds for lobbying pursuant to an express authorization by law or whose officers or employees communicate *on legislation directly affecting the agency* to members of the legislature on request of any member or communicate to the legislature requests for legislation [or appropriations] shall file with the commission quarterly statements providing the following information for the quarter just completed:

(a) The name of the agency filing the statement;

(b) The name, title, and job description and salary of each employee engaged in such legislative activity, a general description of the nature of his legislative activities, and the proportionate amount of his time spent on such activities [;

(c) In the case of any communications to a member of the legislature in response to a request from the member, the name of the member making the request and the nature and subject of the request].

The statements shall be in the form and the manner prescribed by the commission and shall be filed within thirty days after the end of the quarter covered by the report.

(4) The provisions of this section shall not relieve any state officer or any employee of a state agency from complying with other provisions of this chapter, if such officer or employee is not otherwise exempted.

Sec. 13. Section 24, chapter 1, Laws of 1973 and RCW 42.17.240 are each amended to read as follows:

(1) Every elected official (except president, vice president, and precinct committeemen) shall [on or] after January 1st and before January 31st of each year[.]; and every candidate, and every person appointed to fill a vacancy in an elective office (except for the offices of president, vice president, and precinct committeeman) shall, within two weeks of becoming a candidate, or being appointed to such elective office, file with the commission a written statement sworn as to its truth and accuracy stating for himself and all members of his immediate family, for the preceding twelve months: *PROVIDED, That no individual shall be required to file more than once in any calendar year;*

(a) Occupation, name of employer, and business address; and

(b) Each [direct financial interest in excess of five thousand dollars in a] bank or savings account or [cash surrender value of any] insurance policy *in which any such person or persons owned a direct financial interest which exceeded five thousand dollars at any time during such period; each other item of intangible personal property in which any such person or persons owned a direct financial interest [in excess of], the value of which exceeded five hundred dollars during such period;* and the name, address, nature of entity, nature and highest value of each such direct financial interest *during the reporting period;* and

(c) The name and address of each creditor to whom the value of five hundred dollars or more was owed; the original amount of each debt to each such creditor; the amount of each debt owed to each creditor as of the date of filing; the terms of repayment of each such debt; and the security given, if any, for each such debt: *PROVIDED, That debts arising out of a "retail installment transaction" as defined in chapter 63.14 RCW (Retail Installment Sales Act) need not be reported;* and

(d) Every public or private office, directorship and position as trustee held; and

(e) All persons for whom [actual or proposed] any legislation, or any rule[s], rate[s], or standard[s] has been prepared, promoted, or opposed for current or deferred compensation: *PROVIDED, That for the purposes of this subsection, "compensation" shall not include payments made to an elected official by the governmental entity for which such person serves as an elected official for his service in office; the description of such actual or proposed legislation, rules, rates, or standards; and the amount of current or deferred compensation paid or promised to be paid;* and

(f) The name and address of each governmental entity, corporation, partnership,

joint venture, sole proprietorship, association, union, or other business or commercial entity from whom compensation has been received in any form of a total value of five hundred dollars or more; the value of such compensation; and the consideration given or performed in exchange for such compensation; and

(g) The name of any corporation, partnership, joint venture, association, union, or other entity in which is held any office, directorship, or any general partnership interest, or an ownership interest of ten percent or more; the name or title of that office, directorship, or partnership; the nature of ownership interest; and with respect to each such entity: (i) *With respect to a governmental unit in which the elected official holds any elective office, if such entity has received compensation in any form during the preceding twelve months from such governmental unit, the value of such compensation and the consideration given or performed in exchange for such compensation;* (ii) *The name of each governmental [entity] unit, corporation, partnership, joint venture, sole proprietorship, association, union, or other business or commercial entity from which such entity has received compensation in any form in the amount of two thousand five hundred dollars or more during the preceding twelve months and the consideration given or performed in exchange for such compensation: PROVIDED, That the term "compensation" for purposes of this subsection (1)(g)(ii) shall not include payment for water and other utility services at rates approved by the Washington state utilities and transportation commission or the legislative authority of the public entity providing such service;* (iii) *The name, address, and occupation of every other director and/or officer of any bank or commercial lending institution, the name of which is required to be reported under this subsection or all interest paid by a borrower on loans from and all interest paid to a depositor by such bank or commercial lending institution if such interest exceeds six hundred dollars; and*

(h) *A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds two thousand five hundred dollars in which any direct financial interest was acquired during the preceding calendar year, and a statement of the amount and nature of the financial interest and of the consideration given in exchange for such interest; and*

(i) *A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds two thousand five hundred dollars in which any direct financial interest was divested during the preceding calendar year, and a statement of the amount and nature of the consideration received in exchange for such interest, and the name and address of the person furnishing such consideration; and*

(j) *A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds two thousand five hundred dollars in which a direct financial interest was held: PROVIDED, That if a description of such property has been included in a report previously filed, such property may be listed, for purposes of this provision, by reference to such previously filed report;*

(k) *A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds five thousand dollars, in which a corporation, partnership, firm, enterprise, or other entity had a direct financial interest, in which corporation, partnership, firm or enterprise a ten percent or greater ownership interest was held; and*

(1) Such other information as the commission may deem necessary in order to properly carry out the purposes and policies of this chapter, as the commission shall by rule prescribe.

(2) Where an amount is required to be reported under subsection (1), paragraphs (a) through (k) of this section, it shall be sufficient to comply with such requirement to report whether the amount is less than one thousand dollars, at least one thousand dollars but less than five thousand dollars, at least five thousand dollars but less than ten thousand dollars, at least ten thousand dollars but less than twenty-five thousand dollars, or twenty-five thousand dollars or more. An amount of stock may be reported by

number of shares instead of by market value. No provision of this subsection shall be interpreted to prevent any person from filing more information or more detailed information than required.

(3) Elected officials and candidates reporting under this section shall not be required to file the statements required to be filed with the secretary of state under RCW 42.21.060.

Sec. 14. Section 26, chapter 1, Laws of 1973 and RCW 42.17.260 are each amended to read as follows:

(1) Each agency, in accordance with published rules, shall make available for public inspection and copying all public records. To the extent required to prevent an unreasonable invasion of personal privacy, an agency shall delete identifying details when it makes available or publishes any public record; however, in each case, the justification for the deletion shall be explained fully in writing.

(2) Each agency shall maintain and make available for public inspection and copying a current index providing identifying information as to the following records issued, adopted, or promulgated after [June 30, 1972] *January 1, 1973*:

(a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(b) Those statements of policy and interpretations of policy, statute, and the Constitution which have been adopted by the agency;

(c) Administrative staff manuals and instructions to staff that affect a member of the public;

(d) Planning policies and goals, and interim and final planning decisions;

(e) Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports, or surveys, whether conducted by public employees or others; and

(f) Correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory, or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party.

(3) An agency need not maintain such an index, if to do so would be unduly burdensome, but it shall in that event:

(a) Issue and publish a formal order specifying the reasons why and the extent to which compliance would unduly burden or interfere with agency operations; and

(b) Make available for public inspection and copying all indexes maintained for agency use.

(4) A public record may be relied on, used, or cited as precedent by an agency against a party other than an agency and it may be invoked by the agency for any other purpose only if—

(a) It has been indexed in an index available to the public; or

(b) Parties affected have timely notice (actual or constructive) of the terms thereof.

(5) This chapter shall not be construed as giving authority to any agency to give, sell or provide access to lists of individuals requested for commercial purposes, and agencies shall not do so unless specifically authorized or directed by law: *PROVIDED, HOWEVER, That lists of applicants for professional licenses and of professional licensees shall be made available to those professional associations or educational organizations recognized by their professional licensing or examination board, upon payment of a reasonable charge therefor: PROVIDED FURTHER, That such recognition may be refused only for a good cause pursuant to a hearing under the provisions of chapter 34.04 RCW.*

Sec. 15. Section 27, chapter 1, Laws of 1973 and RCW 42.17.270 are each amended to read as follows:

Public records shall be available [to any person] for inspection and copying, and agencies shall, upon request for identifiable *public* records, make them promptly available to any person. Agency facilities shall be made available to any person for the copying of public records except when and to the extent that this would unreasonably

disrupt the operations of the agency. *Agencies shall honor requests received by mail for identifiable public records unless exempted by provisions of this chapter.*

Sec. 16. Section 29, chapter 1, Laws of 1973 and RCW 42.17.290 are each amended to read as follows:

Agencies shall adopt and enforce reasonable rules and regulations, consonant with the intent of this chapter to provide full public access to [official] public records, to protect public records from damage or disorganization, and to prevent excessive interference with other essential functions of the agency. Such rules and regulations shall provide for the fullest assistance to inquirers and the most timely possible action on requests for information. *Nothing in this section shall relieve agencies from honoring requests received by mail for copies of identifiable public records.*

Sec. 17. Section 31, chapter 1, Laws of 1973 and RCW 42.17.310 are each amended to read as follows:

(1) The following shall be exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, welfare recipients, prisoners, probationers, or parolees.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would violate the taxpayer's right to privacy or would result in unfair competitive disadvantage to such taxpayer.

(d) Specific intelligence information and specific investigative [files] records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who file complaints with investigative, law enforcement, or penology agencies, except as the complainant may authorize: *PROVIDED, That this subsection shall not apply to persons who file complaints with the public disclosure commission about any elected official or candidate for elective office: PROVIDED, FURTHER, That all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.*

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(2) The exemptions of this section shall be inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption shall be construed to

permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records, exempt under the provisions of this section, may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records, is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any *public* record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

Sec. 18. Section 32, chapter 1, Laws of 1973 and RCW 42.17.320 are each amended to read as follows:

Responses to requests for *public* records shall be made promptly by agencies. Denials of requests must be accompanied by a written statement of the specific reasons therefor. Agencies shall establish mechanisms for the most prompt possible review of decisions denying inspection, and such review shall be deemed completed at the end of the second business day following the denial of inspection and shall constitute final agency action for the purposes of judicial review.

Sec. 19. Section 33, chapter 1, Laws of 1973 and RCW 42.17.330 are each amended to read as follows:

The examination of any specific *public* record may be enjoined if, upon motion and affidavit, the superior court for the county in which the movant resides or in which the record is maintained, finds that such examination would clearly not be in the public interest and would substantially and irreparably damage any person, or would substantially and irreparably damage vital governmental functions.

Sec. 20. Section 34, chapter 1, Laws of 1973 and RCW 42.17.340 are each amended to read as follows:

(1) Upon the motion of any person having been denied an opportunity to inspect or copy a public record by an agency, the superior court in the county in which a record is maintained may require the responsible agency to show cause why it has refused to allow inspection or copying of a specific *public* record or class of records. The burden of proof shall be on the agency to establish that refusal to permit public inspection and copying is required.

(2) Judicial review of all agency actions taken or challenged under RCW 42.17.250 through 42.17.320 shall be de novo. Courts shall take into account the policy of this chapter that free and open examination of public records is in the public interest, even though such examination may cause inconvenience or embarrassment to public officials or others. Courts may examine any record in camera in any proceeding brought under this section.

(3) Any person who prevails against an agency in any action in the courts seeking the right to inspect or copy any public record shall be awarded all costs, including reasonable attorney fees, incurred in connection with such legal action. In addition, it shall be within the discretion of the court to award such person an amount not to exceed twenty-five dollars for each day that he was denied the right to inspect or copy said public record.

NEW SECTION. Sec. 21. There is added to chapter 42.17 RCW a new section to read as follows:

(1) Each lobbyist shall at the time he registers submit to the commission a recent three inch by five inch black-and-white photograph of himself together with the name of the lobbyist's employer, the length of his employment as a lobbyist before the legislature, a brief biographical description, and any other information he may wish to submit not to exceed fifty words in length; such photograph and information to be published at least annually in a booklet form by the commission for distribution to legislators and the public.

(2) There is established a fund to be known as the "lobbyists' booklet revolving fund" which shall consist of all receipts from sales of the booklets described in subsection

(1) of this section. This fund shall be used for the expenses of production and sale of such booklets and for no other purpose.

NEW SECTION. Sec. 22. There is added to chapter 42.17 RCW a new section to read as follows:

Notwithstanding the provisions of RCW 42.17.260 through 42.17.340, as now or hereafter amended, no state college, university, library, or archive shall be required by chapter 42.17 RCW to make available for public inspection and copying any records or documents obtained by said college, university, library, or archive through or concerning any gift, grant, conveyance, bequest, or devise, the terms of which restrict or regulate public access to such records or documents: **PROVIDED**, That this section shall not apply to any public records as defined in RCW 40.14.010.

Sec. 23. Section 35, chapter 1, Laws of 1973 and RCW 42.17.350 are each amended to read as follows:

There is hereby established a "Public Disclosure Commission" which shall be composed of five members who shall be appointed by the governor, with the consent of the senate. All appointees shall be persons of the highest integrity and qualifications. No more than three members shall have an identification with the same political party. The original members shall be appointed within sixty days after the effective date of this act. The term of each member shall be five years except that the original five members shall serve initial terms of one, two, three, four, and five years, respectively, as designated by the governor. No member of the commission, during his tenure, shall (1) hold or campaign for elective office; (2) be an officer of any political party or political committee; (3) permit his name to be used, or make contributions, in support of or in opposition to any candidate or proposition; (4) participate in any way in any election campaign; or (5) lobby or employ or assist a lobbyist. No member shall be eligible for appointment to more than one full term. A vacancy on the commission shall be filled within thirty days of the vacancy by the governor, with the consent of the senate, and the appointee shall serve for the remaining term of his predecessor. A vacancy shall not impair the powers of the remaining members to exercise all of the powers of the commission. Three members of the commission shall constitute a quorum. The commission shall elect its own chairman and adopt its own rules of procedure in the manner provided in chapter 34.04 RCW. Any member of the commission may be removed by the governor, but only upon grounds of neglect of duty or misconduct in office.

[Members] *Each member shall [serve without compensation, but] receive per diem in the amount of forty dollars in lieu of expenses for each day or portion thereof spent in performance of his duties as a member of the commission, and in addition shall be reimbursed for [necessary traveling and lodging] travel expenses actually incurred while engaged in the business of the commission as provided in chapter 43.03 RCW. The compensation provided pursuant to this section shall not be considered salary for purposes of the provisions of any retirement system created pursuant to the general laws of this state.*

Nothing in this section shall prohibit the commission, or any of its members or staff on the authority of the commission, from responding to communications from the legislature or any of its members or from any state agency or from appearing and testifying at an open public meeting (as defined by RCW 42.30.030) or a hearing to adopt rules held pursuant to RCW 34.04.025 on matters directly affecting the exercise of their duties and powers under this chapter.

Sec. 24. Section 36, chapter 1, Laws of 1973 and RCW 42.17.360 are each amended as follows:

The commission shall:

(1) Develop and provide forms for the reports and statements required to be made under this chapter;

(2) Prepare and publish [a manual] *on or before July 1, 1976, manuals and information setting forth recommended uniform methods of bookkeeping and reporting for use by persons required to make reports and statements under this chapter;*

(3) *Prepare and publish on or before July 1st of each year cumulative supplements to previously published manuals and information or revised versions of previously pub-*

lished forms, manuals, and information which shall incorporate all pertinent changes which occurred during the preceding calendar year;

(4) Prepare and publish bulletins announcing pertinent changes, as they occur, in previously published forms, manuals, information, and supplements;

(5) Distribute all necessary and appropriate forms, manuals, information, supplements, and bulletins to;

(a) Each candidate (except for the offices of president, vice president, and precinct committeeperson): *PROVIDED*, That such distribution shall be made upon receipt by the commission of the statement of political committee organization required by RCW 42.17.040 from each such candidate or upon each such candidate's filing of a declaration of candidacy, whichever occurs first: *PROVIDED, FURTHER*, That such distribution may be made by the election officer with whom such declaration has been filed;

(b) Each political committee (except those which are only established to support the candidacy of a single individual): *PROVIDED*, That such distribution shall be made upon receipt by the commission of the statement of organization required by RCW 42.17.040 from such a political committee: *PROVIDED, FURTHER*, That such distribution may be made by the county auditor with whom such statement of organization has been filed;

(c) Each registered lobbyist: *PROVIDED*, That such distribution shall be made upon receipt by the commission of the lobbyist registration statement required by RCW 42.17.150 from such a lobbyist;

(d) Each legislator and each committee of the legislature: *PROVIDED*, That such distribution shall be made on or before January 1st of each year;

(e) Each sponsor of a grass roots lobbying campaign: *PROVIDED*, That such distribution shall be made upon receipt by the commission of the registration statement required by RCW 42.17.200 from such a sponsor;

(f) Each state agency: *PROVIDED*, That such distribution shall be made on or before January 1st of each year;

(g) Each public official who must file the report of financial affairs required by RCW 42.17.240: *PROVIDED*, That such distribution shall be made on or before December 1st of the year preceding the year during which such official is required to file such a report by RCW 42.17.240 and, in the case of a person appointed to fill a vacancy in an office, such distribution shall be made upon such appointment;

(h) Any other person, committee, or entity whose obligation to report under this chapter can be ascertained by the commission: *PROVIDED*, That such distribution shall be made according to such rules and regulations as the commission may prescribe;

(6) Respond in writing to each request for clarification or interpretation of this chapter within thirty days of receiving such a request: *PROVIDED*, That the commission, before responding in writing to a telephone request, may require the person making such a request to submit the request to the commission in written form: *PROVIDED, FURTHER*, That nothing in this subsection shall be construed so as to suspend the reporting obligation of any person making such a request during the time prior to such person's receipt of the commission's written response;

[(3)] (7) Compile and maintain a current list of all filed reports and statements;

[(4)] (8) Investigate whether properly completed statements and reports have been filed within the times required by this chapter;

[(5)] (9) Upon complaint or upon its own motion, investigate and report apparent violations of this chapter to the appropriate law enforcement authorities: *PROVIDED*, That upon a finding by the commission that probable cause exists to believe that any party has committed an apparent violation of this chapter, said party shall be entitled to a hearing, and proceedings following the finding of probable cause shall be conducted pursuant to the provisions of chapter 34.04 RCW relating to contested cases;

[(6)] (10) Prepare and publish an annual report to the governor as to the effectiveness of this chapter and its enforcement by appropriate law enforcement authorities;

(11) Working in conjunction with the senate and house standing committees on Constitution and Elections, report to the next session of the legislature convened after January 1, 1976, recommendations with respect to the reporting requirements for

elected officials. Such report shall contain a detailed analysis of the effect of present disclosure requirements and a review of federal and state banking laws and their relation to financial disclosure requirements. Such report must demonstrate that the recommendations contained therein will facilitate the purpose and intent of this chapter as set forth in RCW 42.17.010, as now or hereafter amended; and

[(7)] (12) Enforce this chapter according to the powers granted it by law.

Sec. 25. Section 37, chapter 1, Laws of 1973 and RCW 42.17.370 are each amended to read as follows:

The commission is empowered to:

(1) Adopt, promulgate, amend, and rescind suitable administrative rules and regulations to carry out the policies and purposes of this chapter, *which rules and regulations shall be promulgated pursuant to the provisions of chapter 34.04 RCW;*

(2) Prepare and publish such reports and technical studies as in its judgment will tend to promote the purposes of this chapter, including reports and statistics concerning campaign financing, lobbying, financial interests of elected officials, and enforcement of this chapter;

(3) Make from time to time, on its own motion, audits and field investigations;

(4) Make public the [fact that an alleged or apparent violation has occurred and the nature thereof] *time and date of any formal hearing set to determine whether a violation has occurred, the question or questions to be considered, and the results thereof;*

(5) Administer oaths and affirmations, [subpoena witnesses] *issue subpoenas, [compel their attendance] and compel attendance*, take evidence and require the production of any books, papers, correspondence, memorandums, or other records which the commission deems relevant or material for the purpose of any investigation authorized under this chapter, or any other proceeding under this chapter;

(6) Adopt and promulgate a code of fair campaign practices;

(7) Relieve, by published regulation of general applicability, candidates or political committees of obligations to comply with the provisions of this chapter relating to election campaigns, if they have not received contributions nor made expenditures in connection with any election campaign of more than one thousand dollars; and

(8) Enact regulations prescribing reasonable requirements for keeping accounts of and reporting on a quarterly basis costs incurred by state agencies, counties, cities, and other municipalities and political subdivisions in preparing, publishing, and distributing legislative information. The term "legislative information", for the purposes of this subsection, means books, pamphlets, reports, and other materials prepared, published, or distributed at substantial cost, a substantial purpose of which is to influence the passage or defeat of any legislation. The state auditor in his regular examination of each agency under chapter 43.09 RCW shall review such regulations, accounts, and reports and make appropriate findings, comments, and recommendations in his examination reports concerning those agencies.

(9) The commission, after hearing, by order *approved and ratified by a majority of the membership of the commission*, may suspend or modify any of the reporting requirements hereunder in a particular case if it finds that literal application of this chapter works a manifestly unreasonable hardship and if it also finds that such suspension or modification will not frustrate the purposes of the chapter. Any such suspension or modification shall be only to the extent necessary to substantially relieve the hardship. The commission shall act to suspend or modify any reporting requirements only if it determines that facts exist that are clear and convincing proof of the findings required hereunder. Any citizen shall have standing to bring an action in Thurston county superior court to contest the propriety of any order entered hereunder within one year from the date of the entry of such order.

Sec. 26. Section 38, chapter 1, Laws of 1973 and RCW 42.17.380 are each amended to read as follows:

(1) The secretary of state, through his office, shall perform such ministerial functions as may be necessary to enable the commission to carry out its responsibilities under this chapter. The office of the secretary of state shall be designated as the place

where the public may file papers or correspond with the commission and receive any form or instruction from the commission.

(2) The attorney general, through his office, shall supply such assistance as the commission may require in order to carry out its responsibilities under this chapter. The commission may employ attorneys who are neither the attorney general nor an assistant attorney general to carry out any function of the attorney general prescribed in this [section] chapter.

Sec. 27. Section 40, chapter 1, Laws of 1973 and RCW 42.17.400 are each amended to read as follows:

(1) The attorney general and the prosecuting authorities of political subdivisions of this state may bring civil actions in the name of the state for any appropriate civil remedy, including but not limited to the special remedies provided in RCW 42.17.390.

(2) The attorney general and the prosecuting authorities of political subdivisions of this state may investigate or cause to be investigated the activities of any person who there is reason to believe is or has been acting in violation of this chapter, and 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 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, paper and documents which may be relevant or material to any investigation authorized under this chapter.

(3) When the attorney general or the prosecuting authority of any political subdivision of this state requires the attendance of any person to obtain such information or the production of the accounts, bills, receipts, books, papers, and documents which may be relevant or material to any investigation authorized under this chapter, 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 or said prosecuting authority, 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 order 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 writing, and such action shall be subject to review by the appellate courts by certiorari or other appropriate proceeding.

(4) Any person who has notified the attorney general *and the prosecuting attorney in the county in which the violation occurred* in writing that there is reason to believe that some provision of this chapter is being or has been violated may himself bring in the name of the state any of the actions (hereinafter referred to as a citizen's action) authorized under this chapter. *This citizen action may be brought only if the attorney general [has] and the prosecuting attorney have failed to commence an action hereunder within [forty] forty-five days after such notice and [if the attorney general has failed to commence an action within ten days after a notice in writing delivered to the attorney general advising him that a citizen's action will be brought if the attorney general does not bring an action.] such person has thereafter further notified the attorney general and prosecuting attorney that said person will commence a citizen's action within ten days upon their failure so to do, and the attorney general and the prosecuting attorney have in fact failed to bring such action within ten days of receipt of said second notice.* If the person who bring the citizen's action prevails, [he shall be entitled to one half of any judgment awarded, and to the extent the costs and attorney's fees he has incurred exceed his share of the judgment.] *the judgment awarded shall escheat to the state, but he shall be entitled to be reimbursed [for such costs and fees] by the state of Washington for costs and attorney's fees he has incurred: PROVIDED, That in the case of a citizen's action which is dismissed and which the court also finds was brought without reasonable cause, the court may order the person commencing the action to pay all costs of trial and reasonable attorney's fees incurred by the defendant.*

(5) In any action brought under this section, the court may award to the state all costs of investigation and trial, including a reasonable attorney's fee to be fixed by the court. If the violation is found to have been intentional, the amount of the judgment, which shall for this purpose include the costs, may be trebled as punitive damages. If damages or trebled damages are awarded in such an action brought against a lobbyist, the judgment may be awarded against the lobbyist, and the lobbyist's employer or employers joined as defendants, jointly, severally, or both. If the defendant prevails, he shall be awarded all costs of trial, and may be awarded a reasonable attorney's fee to be fixed by the court to be paid by the state of Washington.

NEW SECTION. Sec. 28. This 1975 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 29. If any provision of this 1975 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Signed by: Senators Beck, Scott and Woody; Representatives King, Fortson and Hayner.

POINT OF ORDER

Senator Grant: "This has just arrived at my desk. I think there is a rule regarding Free Conference Committee reports. I would at least like to have an opportunity to analyze the measure. I think it is in violation of the rule regarding the time."

REPLY BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "The motion was asking for the powers of Free Conference, Senator Grant. We haven't got that far yet."

MOTION

On motion of Senator Beck, the report of the Conference Committee on Engrossed Second Substitute House Bill No. 827 was adopted and the committee was granted the powers of Free Conference.

APPOINTMENT OF SPECIAL COMMITTEE

President Pro Tempore Henry appointed Senators Lewis (Harry), Mardesich, North and Buffington as a committee of honor to escort the Honorable Lieutenant Governor and Mrs. John A. Cherberg to a place of honor on the rostrum.

REMARKS BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "At this time it gives me a great deal of pleasure to introduce my partner in the front four of the Green Bay Packers, Senator William S. Day, who would like to make a presentation in behalf of the members of the Senate. Senator Day."

REMARKS BY SENATOR DAY

Senator Day: "Thank you, Mr. President. It is with a great deal of pleasure and I deem it a personal honor at this time to present a little token of the affection and esteem that the Washington State Senate has, not only for its presiding officer who has dealt out justice here day after day through a lot of long and tiring debate and in addition been very fair and just in the process. We have also up here today his lovely and charming wife, the first lady of the Senate, and it is on behalf of all the members of the Senate and the staff as well, and we should have a plaque here to go with it with the staff members on it. It says: 'From the officers and members of the Washington State Senate and the following members of the staff,' and you may have this and at this time I would like to present to your wife, Governor John, a little token of our esteem."

REMARKS BY MRS. CHERBERG

Mrs. Cherberg: "How did you know it was just what I wanted."

REMARKS BY LIEUTENANT GOVERNOR CHERBERG

Lieutenant Governor Cherberg: "Thank you very much, ladies and gentlemen. I know Betty is very grateful to you and as for the smart alec out there, when God was giving out noses I thought they were roses so I picked a big one. I am grateful for the picture, too, but I am even more appreciative of your wonderful patience that you have displayed in my behalf this long session. Thank you very much."

REMARKS BY SENATOR HARRY LEWIS

Senator Lewis (Harry): "Mr. President, I would just like to say to John and Betty Cherberg how much we in the minority appreciate the fair and level headed treatment that we have had. I have often wondered how it would be to have another man presiding, of either party, and wondered how he would measure up to the level of expectation which we have held for you and to which you have measured up. Governor, I personally, and I believe all members of our caucus, very much appreciate the integrity with which you serve as Lieutenant Governor; your straightforwardness and impartiality in trying to deal with the people's problems and we congratulate you and thank you, and I would like to suggest that whether there is any connection between that hat and 'Cowboy' Johnny Cherberg, I do not know but I have never seen you with a cowboy hat on and I was just wondering if maybe we could come back in the office and take a look at it. John, we do appreciate very much your straightforwardness with us. Thank you."

REMARKS BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "I was just going to remark that one of the reasons that the body had been so patient with him, as he said a few moments ago, is the fact that it feels so good when it quits hurting, like an ingrown toenail, they are so glad to get him back after I have been up here that they show all kinds of patience."

The committee of honor escorted Lieutenant Governor and Mrs. Cherberg to the office of the Lieutenant Governor and the committee was discharged.

REPORT OF FREE CONFERENCE COMMITTEE

June 7, 1975.

Mr. Speaker:

Mr. President:

We of your Free Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 866, adopting a budget for state agencies, have had the same under consideration, and recommend that the bill be amended as recommended by the Conference Committee.

Signed by: Senators Donohue, Newschwander and Odegaard; Representatives Bagnariol, Shipnuch and Polk.

MOTION

Senator Donohue moved that the report of the Free Conference Committee on Engrossed Substitute House Bill No. 866 be adopted.

POINT OF INQUIRY

Senator Lewis (R. H. "Bob"): "Would Senator Donohue yield? Senator Donohue, basically I appreciate your conservative approach to fiscal matters in our state. A bottom line figure on this budget we are discussing now amounts to how much?"

Senator Donohue: "The bottom line figure is six billion four hundred and eighty-six million dollars."

Senator Lewis (R. H. "Bob"): "Thank you. Sometimes we compare what we are doing to what the Governor requested. Could you give me what the bottom line figure was for the preceding biennium so we could make a comparison as to what our government will be spending this biennium compared to the preceding biennium?"

Senator Donohue: "Senator Lewis, in answer to your question, there is about one billion dollars difference in this budget as compared to last year. In other words, two

years ago the biennial budget was about five point four billion and this is mainly due to two things. It is mainly due to the shifting of the local property tax collection to the state level, which is figured in the total figure, and the normal growth of existing taxes, so it was the judgment of the Ways and Means Committee that with that amount of money coming into this state that we did not need new taxes, that we should try to live within our income, and that is what we have done."

Senator Lewis (R. H. "Bob"): "Senator Donohue, the shift from the local property taxes amounted to a couple hundred million dollars?"

Senator Donohue: "Two hundred and forty-five million, Senator."

POINT OF INQUIRY

Senator Francis: "Will Senator McDermott yield? Senator McDermott, I am looking on page 85 here at the three and one-half million dollar special allocation which says districts, it names several criteria and it says, 'and with a relatively high percentage of urban, rural, racial and disadvantaged children to continue quality education programs for the 1975-76 school year at approximately the same student-teacher ratio that existed during the 1974-75 school year for any such districts or schools within such districts.' Now what I am wondering, as I look at that, I had heard that that money was to be distributed according to URRD or through URRD and yet as I look at that, that does not say that it is distributed through URRD and I am concerned. I am concerned about special programs in the Lincoln area and the Roosevelt area, Queen Anne, and so forth, other areas than simply the ones I heard so much about such as the Central area, Rainier, and so forth. What I am asking you is, is there any limitation here to any particular high school districts within Seattle or is this money going to be available throughout the Seattle school district?"

Senator McDermott: "Senator Francis, it is my understanding that this money was put into this fund to be used by the school district to maintain quality education programs that were hardest hit by the RIF program of the Seattle School Board and it is not intended toward any particular school. It is not intended only for urban, rural, racial, disadvantaged programs as we have known them in the legislature in the past. That language was used only to describe the districts where the money would go in, not to those specific programs but districts with those kinds of students."

Senator Francis: "Thank you very much."

The motion by Senator Donohue carried and the report of the Free Conference Committee was adopted.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 866, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 36; nays, 12; excused, 1.

Voting yea: Senators Bailey, Beck, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Goltz, Guess, Henry, Herr, Jolly, Jones, Lewis (Harry), Mardesich, Marsh, Matson, McDermott, Newschwander, Odegard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Stortini, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson, Woody—36.

Voting nay: Senators Benitz, Bluechel, Cunningham, Gould, Grant, Knoblauch, Lewis (R. H. "Bob"), Morrison, Murray, North, Sellar, von Reichbauer—12.

Excused: Senator Keefe—1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 866, 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 Mardesich, the Senate commenced consideration of Veto and Partial Veto Messages from the Governor.

MESSAGE FROM THE HOUSE

May 28, 1975.

Mr. President: The House has passed HOUSE BILL NO. 102, notwithstanding the veto of the Governor, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MESSAGE FROM THE GOVERNOR

Office of the Governor, May 15, 1975.

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

LADIES AND GENTLEMEN:

I am returning herewith without my approval HOUSE BILL NO. 102 entitled: "An Act relating to purchasing and material control in state government."

This bill creates a supply management policy board which replaces the existing purchasing advisory committee established under RCW Chapter 43.19. The new board is vested with wide-ranging policy-making responsibilities in the area of state government purchasing and material control.

The intent of the bill, insofar as it relates to centralizing and monitoring purchasing and supply management policies of state agencies, is both desirable and timely. Up to this time, there has been no clear statutory authorization for the Department of General Administration or any other state agency to effect cost-saving management policies in the area of purchasing and supplies for state government. Nor has there been adequate staff funding to devise and implement sound management policies.

I cannot accept, however, the premise that the intent of the legislature can be better achieved through a twelve-member board consisting of diverse and potentially conflicting interests within state government. If anything, the assignment of significant policy responsibilities to such a large, part-time board will delay and inhibit the legislative directives set forth in the bill. I believe the task can be performed more thoroughly and efficiently by the Department of General Administration, particularly since the legislative mandate has been clearly defined and adequate staff funding provided. I would not hesitate to approve a bill substantially the same as House Bill No. 102 in which that department is charged with the policy responsibilities instead of a new and separate board. Such a bill might retain an advisory committee such as that existing under the present law to ensure that the department is aware of the needs and management capabilities of other state agencies.

For the foregoing reasons, I have determined to veto House Bill No. 102.

Respectfully submitted,
DANIEL J. EVANS
Governor.

MOTION

Senator Mardesich moved that House Bill No. 102 do pass notwithstanding the Governor's veto.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 102, notwithstanding the Governor's veto, and the motion by Senator Mardesich failed by the following vote: Yeas, 30; nays, 18; excused, 1.

Voting yea: Senators Bailey, Beck, Bottiger, Day, Donohue, Fleming, Francis, Goltz, Grant, Henry, Herr, Jolly, Knoblauch, Mardesich, Marsh, McDermott, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Woody—30.

Voting nay: Senators Benitz, Bluechel, Buffington, Clarke, Cunningham, Gould,

Guess, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Matson, Morrison, Murray, Newschwander, North, Scott, Sellar, Wanamaker—18.

Excused: Senator Keefe—1.

HOUSE BILL NO. 102, having failed to receive the constitutional two-thirds majority, was declared lost.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of the House Message on Substitute House Bill No. 409.

MESSAGE FROM THE HOUSE

May 30, 1975.

Mr. President: The House has passed SUBSTITUTE HOUSE BILL NO. 409, notwithstanding the partial veto of the Governor, and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

MESSAGE FROM THE GOVERNOR

Office of the Governor, May 27, 1975.

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

LADIES AND GENTLEMEN:

I am returning herewith without my approval as to one section SUBSTITUTE HOUSE BILL NO. 409 entitled:

"An Act relating to electricians and electrical installations."

The purpose of the bill is to empower the board of electrical examiners to establish, in addition to a general electrical contractors' license, other classifications of specialty licenses, and to administer written examinations for general and specialty electrical contractors' qualifying certificates.

Section 1 of the bill contains a grandfather clause providing that any person licensed as an electrical contractor during 1974 will be entitled to receive a *general electrical contractor* license. As a first matter, I do not believe a grandfather clause serves either the best interest of the industry or the public. The grandfather clause should not be necessary where different classes of examinations are to be administered to take into account those electrical contractors who may only be skilled in certain specialties. Second, I believe it is extremely unwise to grant, by the grandfather clause, a general electrical contractor's license to all those presently licensed regardless of whether they may be qualified to perform general electrical contracting work.

It is my belief and intent that a veto of section 1 will still leave the board of electrical examiners with sufficient flexibility to establish examinations in both general and specialty areas which take into account an applicant's past experience as a licensed electrical contractor under previous law so that qualified practitioners are not unfairly barred from their lifetime profession.

For the foregoing reasons, I have determined to veto section 1. With the sole exception of that section, I have approved the remainder of Substitute House Bill No. 409.

Respectfully submitted,
DANIEL J. EVANS
Governor.

MOTION

Senator Mardesich moved that Substitute House Bill No. 409 do pass notwithstanding the Governor's partial veto.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 409, notwithstanding the Governor's partial veto, and the motion by Senator Mardesich carried by the following vote: Yeas, 42; nays, 6; excused, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—42.

Voting nay: Senators Bluechel, Cunningham, Murray, Newschwander, North, Scott—6.

Excused: Senator Keefe—1.

SUBSTITUTE HOUSE BILL NO. 409, having received the constitutional two-thirds majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of the Governor's partial veto on Substitute Senate Bill No. 2423.

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

June 5, 1975.

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

MR. PRESIDENT:

We herewith respectfully transmit for your consideration of a section vetoed by the governor SUBSTITUTE SENATE BILL NO. 2423, the remainder of which has been designated Chapter 173, Laws of 1975, 1st ex. sess., together with a copy of the official veto message of the governor setting forth his objections to the section as provided by Article III, Section 12, of the Washington State Constitution.

IN WITNESS WHEREOF, I have set my hand and affixed the seal of the state of Washington. Done at the Capitol at Olympia on the 5th day of June, 1975.

(Signed) SAM S. REED
Assistant Secretary of State
for Bruce K. Chapman

MESSAGE FROM THE GOVERNOR

Office of the Governor, June 4, 1975.

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

LADIES AND GENTLEMEN:

I am returning herewith without my approval as to one section SUBSTITUTE SENATE BILL NO. 2423 entitled:

"An Act relating to intoxicating liquor."

Section 5 of the bill includes a provision prohibiting hereafter the sale of liquor on any state college, university, or community college campus. I believe this is an unduly broad restriction that fails to take account of unique circumstances in individual communities.

The Liquor Control Board has operated capably without such restriction in determining where and under what circumstances liquor should be sold to adults. The question of whether liquor should be sold on campuses of state supported institutions of higher education should continue to be within the jurisdiction of the Board, which is in a better position to decide on the appropriate response in each individual case. If there is a potential problem of minors attempting to purchase liquor on a particular campus, I am certain the Board will weigh that factor in deciding ultimately whether the sale of liquor on that campus should be allowed. I am likewise certain that the board will take into consideration individual community acceptance of the sale of liquor on a campus.

For these reasons I have determined to veto section 5. With that exception, the remainder of Substitute Senate Bill No. 2423 is approved.

Respectfully submitted,
DANIEL J. EVANS
Governor.

MOTION

Senator Mardesich moved that Substitute Senate Bill No. 2423 do pass notwithstanding the Governor's partial veto.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2423, notwithstanding the Governor's partial veto, and the motion by Senator Mardesich carried by the following vote: Yeas, 34; nays, 14; excused, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bottiger, Buffington, Clarke, Day, Donohue, Gould, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Morrison, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Stortini, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Woody—34.

Voting nay: Senators Bluechel, Cunningham, Fleming, Francis, Goltz, Grant, Matson, McDermott, Murray, Newschwander, North, Sandison, Talley, Wanamaker—14.

Excused: Senator Keefe—1.

SUBSTITUTE SENATE BILL NO. 2423, having received the constitutional two-thirds majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of the Governor's partial veto of Substitute Senate Bill No. 2519.

MESSAGE FROM THE SECRETARY OF STATE

DEPARTMENT OF STATE OFFICE OF THE SECRETARY

June 2, 1975.

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

We herewith respectfully transmit for your consideration of a section vetoed by the governor SUBSTITUTE SENATE BILL NO. 2519, the remainder of which has been designated Chapter 132, Laws of 1975, 1st ex. sess., together with a copy of the official veto message of the governor setting forth his objections to the section as provided by Article III, Section 12, of the Washington State Constitution.

IN WITNESS WHEREOF, I have set my hand and affixed the seal of the state of Washington. Done at the Capitol at Olympia on the 2nd day of June, 1975.

(Signed) SAM S. REED
Assistant Secretary of State
for Bruce K. Chapman

MESSAGE FROM THE GOVERNOR

Office of the Governor, May 15, 1975.

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

LADIES AND GENTLEMEN:

I am returning herewith without my approval as to one section SUBSTITUTE SENATE BILL NO. 2519 entitled:

"An Act relating to the council on post-secondary education."

This bill amends current law on the structure and duties of the Council on Higher Education and changes its name to the Council on Post-Secondary Education.

Section 7 contains amendatory language which requires five out of the nine voting members to approve *any* action taken by the council. The present by-laws of the council require five affirmative votes to approve any substantive action, but not for procedural matters or committee actions where other voting rules and quorum requirements may apply. A statutory mandate requiring five votes for all actions, whether substantive or procedural, is unduly restrictive and serves no useful purpose.

With the exception of section 7, which I have vetoed for the foregoing reasons, the remainder of Substitute Senate Bill No. 2519 is approved.

Respectfully submitted,
DANIEL J. EVANS
Governor.

MOTION

Senator Sandison moved that Substitute Senate Bill No. 2519 do pass notwithstanding the Governor's partial veto.

Debate ensued.



ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2519, notwithstanding the Governor's partial veto, and the motion by Senator Sandison carried by the following vote: Yeas, 35; nays, 11; absent or not voting, 2; excused, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bottiger, Buffington, Day, Donohue, Goltz, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Odegard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Woody—35.

Voting nay: Senators Blkechel, Clarke, Cunningham, Francis, Gould, Matson, Murray, Newschwander, North, Sellar, Wanamaker—11.

Absent or not voting: Senators Fleming, Grant—2.

Excused: Senator Keefe—1.

SUBSTITUTE SENATE BILL NO. 2519, having received the constitutional two-thirds majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of the Governor's veto message on Substitute Senate Bill No. 2159.

MESSAGE FROM THE GOVERNOR

Office of the Governor, June 7, 1975.

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

LADIES AND GENTLEMEN:

I am returning herewith without my approval SUBSTITUTE SENATE BILL NO. 2159 entitled:

"An Act relating to motor vehicle fuel taxes."

This bill changes the present rate of tax on motor vehicles fuels and provides for a variable tax based on revenue needed to meet legislatively approved appropriations for highway expenditures. It is anticipated that implementation of the bill will have the immediate effect of raising the gas tax from the present nine cents per gallon to approximately 11.5 cents per gallon.

The concept of a variable gas tax is unquestionably an imaginative revenue producing scheme designed to offset fluctuation in consumption of gasoline that could otherwise disrupt the best laid plans. As presently conceived, however, and set forth in this bill, the scheme runs counter to what I believe to be a fair and proper system of taxation. Simply stated, the variable gas tax sidesteps basic policy determination by changing the rate of tax to fit a desired level of expenditure. If this concept were applied to the general fund, there is little question but that general taxes would continually be increased to meet the pressures for additional expenditures. Our present system of taxation requires an exhaustive review of priority needs and balancing circumstances before the difficult decision is made to increase taxes; the variable gas tax would circumvent this essential process.

Perhaps just as alarming a consequence is the inevitable result that the variable gas tax would constitute a tax on conservation during a time in our nation's history when we have finally realized that our resources cannot be indiscriminately exploited. Conservation results in reduced demand which in turn brings about decreased revenues. Under a variable gas tax, the rate of tax would be increased to sustain a predetermined level of expenditure. The cause and effect cycle is not likely to end there, since higher gasoline prices will likely produce even lesser demand. Our citizens would be faced with the absurd prospect of paying increased taxes even while they practiced conservation and curbed the consumption of gasoline.

Additionally, I must express a strong feeling of disappointment over a Legislature that purported to oppose increased taxes and yet approved an open-ended increase in the gas tax. For the sake of the automobile, higher taxes are voted to fund millions of dollars worth of construction of new highways and related facilities. Yet for the sake of the children in our common schools, the Legislature has been unwilling to fund even a basic level of educational support. I am both angered and saddened at this distorted sense of values.

I am not unaware of the need to produce adequate revenues for proper maintenance of our highway system and to provide for essential construction projects. I intend to make every effort to assure that federal gas tax monies will be shared with the states without the requirement for state matching funds. I will further endeavor to help bring about a balanced program of highway construction and maintenance within the limits of our citizens' ability to pay and available federal resources.

I wish to acknowledge with deep gratitude the dedicated efforts of many during the regular and extraordinary sessions of this 44th Legislature to achieve a comprehensive and balanced package of transportation legislation. I believe that more than any other time, I sought to compromise my own objectives in order to produce an acceptable transportation package. I sincerely regret that the goal was not attained, and pledge my continuing efforts in the future to bring about transportation legislation that will be of the greatest benefit to our citizens.

For the foregoing reasons, I have determined to veto Substitute Senate Bill No. 2159.

Respectfully submitted,
DANIEL J. EVANS
Governor.

MOTION

Senator Mardesich moved that Substitute Senate Bill No. 2159 do pass notwithstanding the Governor's veto.

Debate ensued.

MOTION

At 7:00 p.m., on motion of Senator Mardesich, the Senate recessed until 8:00 p.m.

EVENING SESSION

The President called the Senate to order at 8:00 p.m.

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 2226,
SENATE BILL NO. 2265,
SENATE BILL NO. 2341,
SENATE BILL NO. 2401,
SENATE BILL NO. 2403,
SENATE BILL NO. 2422,
SUBSTITUTE SENATE BILL NO. 2469,
SENATE BILL NO. 2623,
SENATE BILL NO. 2633,
SENATE BILL NO. 2670,
SUBSTITUTE SENATE BILL NO. 2808,
SENATE BILL NO. 2840,
SENATE BILL NO. 2944.

MOTIONS

On motion of Senator Mardesich, the Senate returned to the second order of business.

On motion of Senator Mardesich, the Senate commenced consideration of the Conference Committee report on Substitute House Bill No. 378.

REPORT OF CONFERENCE COMMITTEE

June 8, 1975.

Mr. Speaker:

Mr. President:

We, of your Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 378, prescribing procedures for the collection, analysis, and reporting of statistical information on file by the state fire marshal, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

In line 1 of the title, after "marshal;" and before "amending" strike "and".

In line 2 of the title, after "48.48.090" and before the period insert "; and adding a new section to chapter 79, Laws of 1947 and to chapter 48.48 RCW".

On page 2, line 9, insert the following:

"NEW SECTION. Sec. 2. There is added to chapter 79, Laws of 1947 and to chapter 48.48 RCW a new section to read as follows:

The insurance commissioner may designate trained employees of the department to be vested with the same powers as police officers generally to enforce and administer the provisions of this chapter and rules and regulations adopted thereunder. The commissioner shall also have authority to contract with other state and local governmental

agencies for services and personnel reasonably necessary to carry out the enforcement provisions of this chapter.

In addition to his other powers and duties, the commissioner 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 chapter: PROVIDED, That the powers and duties exercised pursuant to this section shall be limited to the investigation and prevention of arson and related crimes.

Sec. 3. Section 48.48.045, chapter 70, Laws of 1970 ex. sess. and RCW 48.48.045 are each amended to read as follows:

Standards for construction relative to fire prevention and safety for all schools under the jurisdiction of the superintendent of public instruction and state board of education shall be established by the state fire marshal, who shall adopt such nationally recognized fire and building codes and standards as may be applicable to local conditions. After the approval of such standards by the superintendent of public instruction and the state board of education, and review by the advisory board for school building systems established in RCW 28A.04.310, the fire marshal shall make or cause to be made plan reviews and construction inspections as may be necessary to insure compliance with said codes and standards.

Political subdivisions of the state having and enforcing such fire and building codes and standards at least equal to or higher than those by the state fire marshal as provided for in this section shall be exempted from the plan review and construction inspection provisions of this section within their respective subdivisions for as long as such codes and standards are enforced: *PROVIDED, That where a local official having enforcement jurisdiction over fire or building codes contends that the local code standards are equal to or higher than the state code and refuses to approve plans for new school construction or for remodeling of existing schools, previously approved by the state fire marshal, the superintendent of public instruction may request a determination by the advisory board for school building systems as to whether or not the local code in fact imposes higher standards. The advisory board is hereby directed to settle disputes and grant code waivers within ten days of such request if in its judgment the plans meet the appropriate fire and building code requirements."*

Signed by: Senators Rasmussen, Clarke and Marsh; Representatives Moon and Haussler.

MOTION

Senator Mardesich moved that the Conference Committee report on Substitute House Bill No. 378 be adopted and the committee be granted the powers of Free Conference.

MOTION

At 8:28 p.m., the Senate was declared to be at ease.

The President called the Senate to order at 9:25 p.m.

The Senate resumed consideration of the Conference Committee report on Substitute House Bill No. 378 and the motion by Senator Mardesich that the Conference Committee report be adopted and the committee be granted the powers of Free Conference.

Senator Lewis (Harry) demanded a roll call and the demand was sustained by Senators Grant, Donohue, Day, Bailey, Cunningham, Wanamaker, North, Gould and Bufington.

The President declared the question before the Senate to be the motion by Senator Mardesich that the Conference Committee report on Substitute House Bill No. 378 be adopted and the committee be granted the powers of Free Conference.

ROLL CALL

The Secretary called the roll and the motion carried by the following vote: Yeas, 27; nays, 18; absent or not voting, 3; excused, 1.

Voting yea: Senators Bailey, Beck, Bluechel, Bottiger, Clarke, Day, Donohue,

Francis, Goltz, Grant, Henry, Jolly, Knoblauch, Marsh, McDermott, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Stortini, Talley, Van Hollebeke, Walgren, Washington, Wilson, Woody—27.

Voting nay: Senators Benitz, Buffington, Cunningham, Gould, Guess, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Matson, Morrison, Murray, Newschwander, North, Pullen, Scott, Sellar, Wanamaker—18.

Absent or not voting: Senators Fleming, Herr, von Reichbauer—3.

Excused: Senator Keefe—1.

The motion by Senator Mardesich carried. The Conference Committee report on Substitute House Bill No. 378 was adopted and the committee was granted the powers of Free Conference.

MOTION

On motion of Senator Mardesich, the Senate resumed consideration of the Governor's veto message on Substitute Senate Bill No. 2159. Earlier today, Senator Mardesich had moved that Substitute Senate Bill No. 2159 do pass notwithstanding the Governor's veto.

The Secretary commenced the roll call.

Senators North, Bluechel and Benitz demanded a Call of the Senate.

Senator Mardesich demanded a roll call on the Call of the Senate and the demand was sustained by Senators Bailey, Walgren, Fleming, Marsh, Beck, Jolly, Odegaard, Donohue and Day.

The President declared the question before the Senate to be the demand for a Call of the Senate.

ROLL CALL

The Secretary called the roll and the demand for a Call of the Senate was not sustained by the following vote: Yeas, 12; nays, 34; absent or not voting, 2; excused, 1.

Voting yea: Senators Benitz, Bluechel, Cunningham, Gould, Grant, Lewis (R. H. "Bob"), Murray, Newschwander, North, Pullen, Washington, Wilson—12.

Voting nay: Senators Bailey, Beck, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Goltz, Guess, Henry, Jolly, Jones, Knoblauch, Lewis (Harry), Mardesich, Marsh, Matson, McDermott, Morrison, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, Walgren, Wanamaker, Woody—34.

Absent or not voting: Senators Herr, von Reichbauer—2.

Excused: Senator Keefe—1.

The demand for the Call of the Senate was not sustained.

The President declared the question before the Senate to be the motion by Senator Mardesich that the Senate do pass Substitute Senate Bill No. 2159, notwithstanding the Governor's veto.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2159, notwithstanding the Governor's veto, and the motion by Senator Mardesich carried by the following vote: Yeas, 30; nays, 12; absent or not voting, 6; excused, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Goltz, Grant, Guess, Henry, Jolly, Jones, Knoblauch, Lewis (Harry), Mardesich, Marsh, Matson, Morrison, Odegaard, Sellar, Stortini, Talley, Van Hollebeke, Walgren, Wanamaker, Woody—30.

Voting nay: Senators Bluechel, Cunningham, Gould, Lewis (R. H. "Bob"), McDermott, Murray, Newschwander, North, Pullen, Scott, Washington, Wilson—12.

Absent or not voting: Senators Herr, Peterson, Rasmussen, Ridder, Sandison, von Reichbauer—6.

Excused: Senator Keefe—1.

SUBSTITUTE SENATE BILL NO. 2159, having received the constitutional two-thirds majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of the Governor's veto message on Substitute Senate Bill No. 2937.

MESSAGE FROM THE GOVERNOR

Office of the Governor, June 7, 1975.

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

LADIES AND GENTLEMEN:

I am returning herewith without my approval SUBSTITUTE SENATE BILL NO. 2937 entitled:

"An Act relating to transportation taxation."

This bill increases the motor vehicle excise tax from the present rate of two percent to 2.28 percent. The resulting revenue would be used to fund the state match for locally generated public transportation funds. The projected total of \$36,000,000 for the 1975-1977 biennium is only \$4,000,000 more than that provided in the general fund budget I submitted to the Legislature last December.

I am acutely aware of the need for continuing mass transit support in a time when the state and national interests demand a shift in emphasis from personal to public transportation systems. I cannot, however, approve an increase in the motor vehicle excise tax which would provide only a small additional amount of funds beyond that contained in the executive budget and which was to be funded out of the general fund without a new tax.

On this same date I have vetoed SUBSTITUTE SENATE BILL NO. 2159 which provided for a variable gas tax. These two bills made up two out of a package of four transportation bills that has undergone the legislative process with active participation from my office. I recognize and deeply appreciate the considerable time and effort expended by many to bring about this session a comprehensive and balanced transportation package. I regret that the goal of such a package suited to the objectives of all concerned was not attained, and pledge my continuing support in future efforts to achieve that goal. I would urge the Legislature to explore all feasible alternatives in order to provide this state with a balanced transportation program at a cost which is within our citizens' ability to pay.

For the foregoing reasons, I have determined to veto Substitute Senate Bill No. 2937.

Respectfully submitted,
DANIEL J. EVANS
Governor.

MOTION

Senator Mardesich moved that Substitute Senate Bill No. 2937 do pass, notwithstanding the Governor's veto.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2937, notwithstanding the Governor's veto, and the motion by Senator Mardesich carried by the following vote: Yeas, 34; nays, 9; absent or not voting, 5; excused, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bottiger, Buffington, Clarke, Donohue, Fleming, Francis, Goltz, Gould, Guess, Henry, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Odegaard, Ridder, Sandison, Sellar, Stortini, Talley, Van Hollebeke, Walgren, Washington, Wilson, Woody—34.

Voting nay: Senators Bluechel, Cunningham, Day, Murray, Newschwander, North, Pullen, Scott, Wanamaker—9.

Absent or not voting: Senators Grant, Herr, Peterson, Rasmussen, von Reichbauer—5.

Excused: Senator Keefe—1.

SUBSTITUTE SENATE BILL NO. 2937, having received the constitutional two-thirds majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of the Governor's veto message on House Bill No. 249.

MESSAGE FROM THE HOUSE

May 30, 1975.

Mr. President: The House has passed SUBSTITUTE HOUSE BILL NO. 249, notwithstanding the veto of the Governor, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MESSAGE FROM THE GOVERNOR

Office of the Governor, May 15, 1975.

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

LADIES AND GENTLEMEN:

I am returning herewith without my approval SUBSTITUTE HOUSE BILL NO. 249 entitled:

"An Act relating to motor vehicles."

This bill makes certain changes in the laws relating to tonnage fees, and allows tonnage permits in addition to regular license fees to be paid quarterly, if the additional tonnage is over six thousand pounds.

The matter of truck weights and truck weight fees has been the subject of a comprehensive study by the Legislative Transportation Committee. The ultimate aim of such study is to devise an equitable system of transportation fees. The passage of this bill before completion and implementation of the study is premature and unwise, and the piecemeal approach will likely require further corrective action by the Legislature after the results of the study are known.

Moreover, the fiscal impact of the bill is a loss of approximately \$270,000 over the next biennium in addition to requiring increased expenditures by the Department of Highways. Given the very difficult financial state of the Department, enactment of this bill is even more untimely at this moment.

For the foregoing reasons, I have determined to veto Substitute House Bill No. 249.

Respectfully submitted,
DANIEL J. EVANS
Governor.

MOTION

Senator Mardesich moved that Substitute House Bill No. 249 do pass, notwithstanding the Governor's veto.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 249, notwithstanding the Governor's veto, and the motion by Senator Mardesich carried by the following vote: Yeas, 37; nays, 7; absent or not voting, 4; excused, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Francis, Goltz, Guess, Henry, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, Odegaard, Peterson, Pullen,

Rasmussen, Ridder, Sandison, Sellar, Stortini, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson, Woody—37.

Voting nay: Senators Cunningham, Gould, McDermott, Murray, Newschwander, North, Scott—7.

Absent or not voting: Senators Fleming, Grant, Herr, von Reichbauer—4.

Excused: Senator Keefe—1.

SUBSTITUTE HOUSE BILL NO. 249, having received the constitutional two-thirds majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

June 8, 1975.

Mr. President: The Speaker has signed:

HOUSE BILL NO. 561,

HOUSE BILL NO. 587,

HOUSE BILL NO. 612, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 2114,

SENATE BILL NO. 2172,

SENATE BILL NO. 2348,

SENATE BILL NO. 2613,

SENATE BILL NO. 2863,

SENATE BILL NO. 2894,

SENATE BILL NO. 2895.

MESSAGE FROM THE HOUSE

June 8, 1975.

Mr. President: The Speaker has signed:

SENATE BILL NO. 2114,

SENATE BILL NO. 2172,

SENATE BILL NO. 2226,

SENATE BILL NO. 2265,

SENATE BILL NO. 2341,

SENATE BILL NO. 2348,

SENATE BILL NO. 2401,

SENATE BILL NO. 2403,

SENATE BILL NO. 2422,

SUBSTITUTE SENATE BILL NO. 2469,

SENATE BILL NO. 2613,

SENATE BILL NO. 2623,

SENATE BILL NO. 2633,

SENATE BILL NO. 2670,

SUBSTITUTE SENATE BILL NO. 2808,

SENATE BILL NO. 2840,

SENATE BILL NO. 2863,

SENATE BILL NO. 2894,

SENATE BILL NO. 2895,

SENATE BILL NO. 2944, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:
HOUSE BILL NO. 561,
HOUSE BILL NO. 587,
HOUSE BILL NO. 612.

MOTION

At 9:50 p.m., on motion of Senator Mardesich, the Senate adjourned until 10:00 a.m., Monday, June 9, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

EIGHTY-EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, June 9, 1975.

The Senate was called to order at 10:00 a.m. by President Pro Tempore Henry. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Cunningham, Herr, Keefe, McDermott, Peterson and Pullen. On motion of Senator Lewis (R. H. "Bob"), Senators Cunningham, Newschwander and North were excused. On motion of Senator Knoblauch, Senators Herr, McDermott and Keefe were excused.

The Color Guard, consisting of Pages Julie Holland and Paul Simmons, presented the Colors. Reverend Paul J. Beeman, pastor of the First United Methodist Church of Olympia, offered the following prayer:

"OUR FATHER, WE REMEMBER HOW ST. PAUL WROTE: 'I HAVE FOUGHT THE GOOD FIGHT, I HAVE FINISHED THE COURSE, I HAVE KEPT THE FAITH, AND HENCEFORTH THERE IS LAID UP FOR ME A CROWN OF RIGHTEOUSNESS'. IT IS IN SOMETHING OF THAT SPIRIT THAT WE COME TO YOU TODAY. WE THANK YOU FOR THE SPIRIT OF DEDICATION, FOR THE ATTENTION TO DETAIL, AND FOR THE RUGGED ENDURANCE OF THESE SENATORS. WE THANK YOU FOR ALL OF THEM WHO HAVE COMPLETED THIS MARATHON WITH PERSONAL ETHICS AND POLITICAL IDEOLOGY INTACT. BLESS THE WORTHY ENDEAVORS OF THIS DAY AND OF THIS WHOLE SESSION, THAT GOODNESS AND TRUTH, JUSTICE AND LOVE MAY BE MORE THAN MISTY IDEALS, BUT MAY BE THE VERY STUFF OF WHICH OUR GOVERNMENT IS MADE. LET OUR FURTHER LIVES BE A FULFILLMENT OF ALL YOU DESIRE FOR US, WE PRAY IN THE MASTER'S NAME. AMEN."

MOTION

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

MESSAGES FROM THE HOUSE

June 8, 1975.

Mr. President: The Speaker has signed HOUSE BILL NO. 774, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

June 8, 1975.

Mr. President: The House has adopted the report of the Free Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 866 and has passed the bill as amended by the Free Conference Committee.

DONALD R. WILSON, Assistant Chief Clerk.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of the House Message on Substitute House Bill No. 378.

MESSAGE FROM THE HOUSE

June 8, 1975.

Mr. President: The House has adopted the report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 378, and has granted said committee the powers of Free Conference.

DONALD R. WILSON, Assistant Chief Clerk.

REPORT OF FREE CONFERENCE COMMITTEE

June 8, 1975.

Mr. Speaker:

Mr. President:

We, of your Free Conference Committee, to whom was referred, SUBSTITUTE HOUSE BILL NO. 378, prescribing procedures for the collection, analysis, and reporting of statistical information on file by the state fire marshal, have had the same under consideration, and recommend that the bill be amended as recommended by the Conference Committee.

Signed by: Senators Rasmussen, Clarke and Marsh; Representatives Moon and Haussler.

MOTION

On motion of Senator Rasmussen, the report of the Free Conference Committee on Substitute House Bill No. 378 was adopted.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 378, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 34; nays, 7; absent or not voting, 1; excused, 7.

Voting yea: Senators Bailey, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Jolly, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Murray, Odegaard, Rasmussen, Ridder, Sandison, Scott, Stortini, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—34.

Voting nay: Senators Beck, Jones, Lewis (Harry), Matson, Morrison, Pullen, Sellar—7.

Absent or not voting: Senator Talley—1.

Excused: Senators Cunningham, Herr, Keefe, McDermott, Newschwander, North, Peterson—7.

SUBSTITUTE HOUSE BILL NO. 378, 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 Mardesich, the Senate commenced consideration of the House Message on Engrossed Substitute House Bill No. 206.

MESSAGE FROM THE HOUSE

June 8, 1975.

Mr. President: The House has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 206, and has granted the said committee the powers of Free Conference.

DONALD R. WILSON, Assistant Chief Clerk.

REPORT OF FREE CONFERENCE COMMITTEE

June 8, 1975.

Mr. Speaker:

Mr. President:

We, of your Free Conference Committee, to whom was referred, ENGROSSED SUBSTITUTE HOUSE BILL NO. 206, adopting the capital budget, have had the same under consideration, and recommend that the bill be amended as recommended by the Conference Committee.

Signed by: Senators Donohue, Newschwander and Odegaard; Representatives Shinpoch, Bagnariol and Polk.

MOTION

Senator Mardesich moved that the report of the Free Conference Committee be adopted.

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Mardesich explain what section 2 on this sheet relates to? Do you have the same report up there that I have, Mr. President?"

Senator Mardesich: "The capital budget in total."

Senator Odegaard: "Mr. President, explaining the differences between the House and the Senate that we worked out in the free conference committee, Senator Donohue actually explained the differences I believe yesterday in passage of the bonding bills in free conference. We added back a House request, fifteen thousand dollars for a covered playground area at the Naselle Youth Camp. We added back a House request of ninety-four thousand to correct the stack emission problem at the Monroe Reformatory because of their air pollution control authority there that said this had to be done. We added back two items for the Fircrest School, one item of three hundred and sixty-seven thousand to complete phase two of the boiler replacement and another for one hundred and sixty-five thousand to fund the utilities repair at the Fircrest School. We added back a three hundred thousand dollar item for the DSHS preplanning funds for capital projects. There was a correction of an error in the Eastern State Hospital new construction project of six hundred and seventy thousand, and there was an item for an outside elevator at the school for the blind for twelve thousand five hundred dollars. In the community college area we added forty-nine thousand for drawings for the Fort Steilacoom

Community College, two hundred thousand at Walla Walla, and fourteen thousand for locker room expansion drawings at Fort Steilacoom, and eighty-nine thousand for work drawings and plans for the art and student activities building in the community college capital construction account, and we deleted eighty-two thousand for working drawings at Lower Columbia Community College for a vocational building. I think that pretty well takes care of the differences that we ironed out in the free conference committee."

POINT OF INQUIRY

Senator Van Hollebeke: "Would Senator Odegaard yield? Are we going to be provided with any written report on this before we are asked to vote on these sums?"

Senator Odegaard: "Yes, it should be on your desks, or it was yesterday. We have some extra copies here, the Secretary has some copies. I know they were all distributed yesterday. Maybe they got thrown away overnight."

The motion by Senator Mardesich carried and the report of the Free Conference Committee on Engrossed Substitute House Bill No. 206 was adopted.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 206, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 1; excused, 6.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Francis, Goltz, Gould, Grant, Guess, Henry, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, Murray, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—42.

Absent or not voting: Senator Fleming—1.

Excused: Senators Cunningham, Herr, Keefe, McDermott, Newschwander, North—6.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 206, 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:

SUBSTITUTE SENATE JOINT RESOLUTION NO. 127,
SENATE CONCURRENT RESOLUTION NO. 101.

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 774.

MOTION

On motion of Senator Mardesich, the Senate returned to the second order of business.

REPORT OF CONFERENCE COMMITTEE

June 8, 1975.

Mr. Speaker:

Mr. President:

We, of your Conference Committee, to whom was referred, SECOND SUBSTI-

TUTE HOUSE BILL NO. 1146, authorizing bonds for financing of higher education facilities, have had the same under consideration, and we recommend that the bill do pass with the Senate amendments.

Signed by: Senators Donohue, Newschwander and Odegaard; Representatives Shinpoch, Bagnariol and Polk.

MOTION

On motion of Senator Mardesich, the report of the Conference Committee on Second Substitute House Bill No. 1146 was adopted.

MESSAGE FROM THE HOUSE

June 8, 1975.

Mr. President: The House has adopted the report of the Conference Committee on ENGROSSED SENATE BILL NO. 2210, 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

June 8, 1975.

Mr. Speaker:

Mr. President:

We, of your Conference Committee, to whom was referred ENGROSSED SENATE BILL NO. 2210, authorizing fees for optional noncredit extra-curricular events of school districts and providing for their disposition, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

On page 1, line 1, after "AN ACT" strike the balance of the bill and insert:

"Relating to education; amending section 1, chapter 52, Laws of 1973 and RCW 28A.58.115; adding a new section to chapter 223, Laws of 1969 ex. sess. and chapter 28A.58 RCW; adding a new section to chapter 223, Laws of 1969 ex. sess. and chapter 28A.65 RCW; prescribing an effective date; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW a new section to read as follows:

The board of directors of any common school district may establish and collect a fee from students and nonstudents as a condition to their attendance at any optional noncredit extra-curricular event of the district which is of a cultural, social, recreational or athletic nature: PROVIDED, That in so establishing such fee or fees, the district shall adopt regulations for waiving and reducing such fees in the cases of those students whose families, by reason of their low income, would have difficulty in paying the entire amount of such fees. An optional comprehensive fee may be established and collected for any combination or all of such events or, in the alternative, a fee may be established and collected as a condition to attendance at any single event. Fees collected pursuant to this section shall be deposited in the associated student body program fund of the school district, and may be expended to defray the costs of optional noncredit extra-curricular events of such a cultural, social, recreational or athletic nature, or to otherwise support the activities and programs of associated student bodies.

NEW SECTION. Sec. 2. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.65 RCW a new section to read as follows:

There is hereby created a fund on deposit with each county treasurer for each school district of the county having an associated student body as defined in RCW 28A.58.115. Such fund shall be known as the associated student body program fund.

Rules and regulations promulgated by the superintendent of public instruction under section 3 of this 1975 act shall require separate accounting for each associated student body's transactions in the school district's associated student body program fund.

All moneys generated through the programs and activities of any associated student body shall be deposited in the associated student body program fund. Such funds may be invested for the sole benefit of the associated student body program fund in items enumerated in RCW 28A.58.440 and the county treasurer may assess a fee as provided therein. Disbursements from such fund shall be under the control and supervision, and with the approval, of the board of directors of the school district, and shall be by warrant as provided in chapter 28A.66 RCW: PROVIDED, That in no case shall such warrants be issued in an amount greater than the funds on deposit with the county treasurer in the associated student body program fund. To facilitate the payment of minor or unexpected obligations, or obligations which require immediate payment, an imprest bank account or accounts may be created and replenished from the associated student body program fund.

The associated student body program fund shall be budgeted by the associated student body, subject to approval by the board of directors of the school district. All disbursements from the associated student body program fund or any imprest bank account established thereunder shall have the prior approval of the appropriate governing body representing the associated student body. Notwithstanding the provisions of RCW 43.09.210, it shall not be mandatory that expenditures from the district's general fund in support of associated student body programs and activities be reimbursed by payments from the associated student body program fund.

The effective date of this section shall be July 1, 1976.

Sec. 3. Section 1, chapter 52, Laws of 1973 and RCW 28A.58.115 are each amended to read as follows:

As used in this section, an "associated student body" means the formal organization of the students of a school formed with the approval of and regulation by the board of directors of the school district in conformity to the rules and regulations promulgated by the superintendent of public instruction.

The superintendent of public instruction, after consultation with appropriate school organizations and students, shall promulgate rules and regulations to designate the powers and responsibilities of the boards of directors of the school districts of the state of Washington in developing efficient administration, management, and control of moneys, records, and reports of the associated student bodies organized in the public schools of the state.

The application of the provisions of this section is suspended until July 1, 1976.

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 its provisions to other persons or circumstances is not affected.

NEW SECTION. Sec. 5. Section 1 of this 1975 act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Signed by: Senators Stortini, Gould and Van Hollebeke; Representatives Bauer and Gaspard.

MOTION

On motion of Senator Mardesich, the report of the Conference Committee on Engrossed Senate Bill No. 2210 was adopted and the committee was granted the powers of Free Conference.

MESSAGE FROM THE HOUSE

June 8, 1975.

Mr. President: The House has adopted the report of the Conference Committee on ENGROSSED SENATE BILL NO. 2346, 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

June 7, 1975.

Mr. Speaker:

Mr. President:

We, of your Conference Committee, to whom was referred ENGROSSED SENATE BILL NO. 2346, changing requirements relating to sale of real property by 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 in order to amend the bill as follows:

On page 1, after "thereof," on line 27, strike the balance of the bill and insert:

"Any sale of school district real property authorized pursuant to this section shall be preceded by a market value appraisal by three licensed real estate brokers selected by the board of directors and no sale shall take place if the sale price would be less than ninety percent of such appraised market value: PROVIDED, That if the property has been on the market for three years or more the property may be sold for not less than seventy-five percent of the appraised value with the unanimous consent of the board.

If the appraised value of any [such] parcel of real property considered for sale is found by the board of directors to be greater than thirty-five thousand dollars, the question of the sale thereof shall be submitted to a vote of the voters of the district, either at a general or special election called for that purpose. If a majority of the votes cast thereat favor the sale of such real property the board may make the sale. The sale [must] may be made at public auction [for cash and good title shall be conveyed by deed of the school district, executed by the president or the vice president and the secretary of the board] or by other means consistent with realizing the highest sale price.

If in the judgment of the board of directors of any district the sale of real property of the district not needed for school purposes would be facilitated and greater value realized through use of the services of licensed real estate brokers, a contract for such services may be negotiated and concluded: PROVIDED, That the fee or commissions charged for any broker services shall not exceed seven percent of the resulting sale value for a single parcel: PROVIDED FURTHER, That any licensed real estate broker selected by the board to appraise the market value of a parcel of property to be sold may not be a party to any contract with the school district to sell such parcel of property for a period of three years after the appraisal.

If in the judgment of the board of directors of any district the sale of real property of the district not needed for school purposes would be facilitated and greater value realized through sale on contract terms, a real estate sales contract may be executed between the district and buyer: PROVIDED, That the terms and conditions of any such sales contract must comply with rules and regulations of the state board of education, herein authorized, governing school district real property contract sales.

NEW SECTION. Sec. 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:

The proceeds from any sale of school district real property by a board of directors shall be used solely for the purposes of school district bond retirement, real property improvements, and the equipping or furnishing of school district buildings or grounds.

NEW SECTION. Sec. 3. Section 4, chapter 142, Laws of 1972 ex. sess. and RCW 28A.58.046 are each repealed."

Signed by: Senators Stortini, Matson and Woody; Representatives Bauer, Hurley and Brown.

MOTION

On motion of Senator Mardesich, the report of the Conference Committee on Engrossed Senate Bill No. 2346 was adopted and the committee was granted the powers of Free Conference.

MESSAGE FROM THE HOUSE

June 8, 1975.

Mr. President: The House has adopted the report of the Conference Committee on ENGROSSED SENATE BILL NO. 2090, and has granted said committee the powers of Free Conference.

DONALD R. WILSON, Assistant Chief Clerk.

MOTIONS

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

On motion of Senator Mardesich, the following Senate Resolutions were referred to the Committee on Rules:

- 1975-121 — School property, study
- 1975-122 — Medical malpractice commission, study
- 1975-123 — Gold bullion industry, study
- 1975-124 — Mortgages, variable rates, study
- 1975-125 — Property, prepaid taxes, study
- 1975-126 — Non-domiciliary banks, study
- 1975-127 — School district consolidation, study
- 1975-128 — School district boundaries, study
- 1975-129 — Local government fiscal powers, study

MOTIONS

On motion of Senator Mardesich, the Senate commenced consideration of Senate Resolution 1975-130.

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

SENATE RESOLUTION 1975-130

By Senators Guess, Sandison, Benitz, Goltz, Odegaard, Scott and Newschwander:

WHEREAS, The Joint Center for Graduate Studies in Richland, Washington, is operated by the University of Washington and Washington State University to provide upper-division and graduate level courses primarily for professional employees in the Richland area working toward postbaccalaureate degrees; and

WHEREAS, Oregon State University, as a third participating institution, sponsors certain graduate degree programs at the Center; and

WHEREAS, The applicability toward baccalaureate degrees of upper-division course work taken at the Center and the general availability of credit for courses offered by the Center are subjects of recurring concern to residents of Benton and Franklin counties; and

WHEREAS, Questions exist as to the most effective use of the Center in terms both of local needs and of statewide concerns; and

WHEREAS, The administrative structure of the Center and the most effective division of responsibility between the local administration and the administrations of the participating institutions are subjects of current internal review;

NOW, THEREFORE, BE IT RESOLVED, That the Council for Post-secondary Education, with the cooperation of the participating institutions, is directed to examine the educational functions of the Center, including but not limited to, consideration of:

- 1) the local need for post-secondary education at the upper-division level
- 2) alternative means and mechanisms for meeting those educational needs
- 3) the resource implications of those alternatives
- 4) the impact of the Center's functions on other post-secondary institutions in the state
- 5) the impact of alternative administrative structures on the Center's ability to fulfill its designated educational functions

6) the joint federal-state role in support of the Center's educational functions.

BE IT FURTHER RESOLVED, That the Council for Post-secondary Education is requested to report its findings and recommendations to the Senate Committee on Higher Education on or before November 1, 1975.

BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted immediately upon adoption by the Secretary of the Senate to the House of Representatives and the Council for Post-secondary Education.

MOTION

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

SENATE RESOLUTION 1975-131

By Senators Sandison, Goltz, Benitz, Scott, Odegaard, Donohue and Guess:

WHEREAS, It is recognized that the benefits of public higher education are shared by both the individual who enrolls and society in general; and

WHEREAS, There has been considerable public debate, both within the state and nationally, concerning the portion of the cost of an individual's instruction which should be borne by the student and the state; and

WHEREAS, Tuition and fees in Washington's public universities, colleges, and community colleges, are established as detailed rate schedules within the statutes and have been adjusted in the past primarily in response to financial problems facing higher education and not in terms of a standard policy as to the share of costs which should be borne by the student; and

WHEREAS, A uniform, well understood methodology for determining the costs related to instruction of students in universities, colleges and community colleges is necessary in order to consider policies in this area;

NOW, THEREFORE, BE IT RESOLVED, That the Senate Higher Education and Ways and Means Committees shall, with the cooperation of the Council for Post-secondary Education and various public universities and state colleges, the State Board for Community College Education, the Office of Program Planning and Fiscal Management, and legislative staff, develop, test and recommend a standard method of determining the costs of higher education which relate to instruction of students, both inclusive and exclusive of related capital costs. Such methodology should contain provision for estimating per student costs for the biennium following legislative appropriations of funds for higher education institutions.

BE IT FURTHER RESOLVED, That the Council for Post-secondary Education shall survey the methods used by those states which relate student tuition and fees to higher education costs, along with the policies of those states as to the portion which is to be borne by students.

BE IT FURTHER RESOLVED, That the Council for Post-secondary Education shall make recommendations concerning the proportion of cost which should be borne by the various categories of students in Washington's public universities, state colleges and community colleges, including recommendations dealing with waivers of tuition and/or fees for various categories of individuals now set forth by statute.

BE IT FURTHER RESOLVED, That the Council for Post-secondary Education shall submit a preliminary report of its findings and recommendations to the Senate Committee on Higher Education on or before November 1, 1975, and a final report by not later than January 1, 1976.

BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted immediately upon adoption by the Secretary of the Senate to the House of Representatives, the Council for Post-secondary Education, State Board for Community College Education, and the Office of Program Planning and Fiscal Management.

MOTION

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

SENATE RESOLUTION 1975-132

By Senators Scott, Sandison, Goltz, Benitz, Odegaard, Donohue and Guess:

WHEREAS, The institutions of higher education in the state of Washington must comply with affirmative action requirements; and

WHEREAS, Recently displeasure has developed, particularly with the compliance to such requirements within the professional schools at the two universities; and

WHEREAS, The medical and dental schools at the universities are presently recruiting nonresident minorities and women in order to comply with affirmative action requirements;

NOW, THEREFORE, BE IT RESOLVED, That the Senate Committee on Higher Education, with cooperation of the Council on Post-secondary Education, conduct a study of the affirmative action programs in the state institutions of higher education including but not limited to a study of:

- the qualifications of the minorities and women who are allowed into the program;

- the recruitment of out-of-state students by the institutions to comply with the requirements; and

- the claims of reverse discrimination;

BE IT FURTHER RESOLVED, That the committee submit their findings and recommendations to the first special session of the legislature convening after January on Higher Education on or before November 1, 1975; and

BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted immediately upon adoption by the Secretary of the Senate to the House of Representatives and the Council for Post-secondary Education.

MOTION

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

SENATE RESOLUTION 1975-133

By Senators Goltz, Guess and Odegaard:

WHEREAS, The legislature is concerned about long-range statewide planning for higher education; and

WHEREAS, The Council for Post-secondary Education reports on roles, admissions and long-range planning for higher education have been delayed; and

WHEREAS, In the absence of their recommendations for statewide direction, the legislature has difficulty in coming to grips with policy decisions; and

WHEREAS, The Office of Program Planning and Fiscal Management is proposing a new capital project budget procedure which may or may not be consistent with the Council for Post-secondary Education or legislative policies; and

WHEREAS, Each university, college and community college is concerned about these implied changes in policies and procedures; and

WHEREAS, It may be that the legislature itself may need to direct how planning responsibilities are to be divided and shared;

NOW, THEREFORE, BE IT RESOLVED, That the Senate Committee on Higher Education, with the cooperation of the Council for Post-secondary Education, State Board for Community College Education and the Office of Program Planning and Fiscal Management examine long-range planning for higher education in the state of Washington to determine what procedures are currently in operation and the future outlook; and

BE IT FURTHER RESOLVED, That the Senate Committee determine if the legislature does indeed need to direct how planning responsibilities are to be divided and shared; and

BE IT FURTHER RESOLVED, That the Committee submit their findings and recommendations to the first special session of the legislature convening after January 1, 1976; and

BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted immediately upon adoption by the Secretary of the Senate to the House of Representatives and the Council for Post-secondary Education, State Board for Community College Education, and the Office of Program Planning and Fiscal Management.

MOTION

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

SENATE RESOLUTION 1975-134

By Senators Walgren and Sandison:

WHEREAS, Senate Bill No. 2316, which was introduced in January 1975, proposed to extend the definition of "resident student" to all veterans receiving benefits under the G. I. Bill of Rights for tuition and fee purposes in public universities, state colleges and community colleges in the State of Washington; and

WHEREAS, Only those veterans who served in World War I, World War II, the Korean conflict or the Viet Nam era are currently eligible for the classification of "resident student"; and

WHEREAS, Such broad legislation would reduce revenues being collected at Washington's public institutions of higher education thus requiring additional state appropriations, but the magnitude of this fiscal impact is currently unknown; and

WHEREAS, Additional appropriations would be required if students who might otherwise not have attended institutions in this state were attracted because of the extended definition; and

WHEREAS, An actual count of nonresident veterans already receiving benefits under the G. I. Bill of Rights is not available;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, That the Council for Post-secondary Education, with the cooperation of the public institutions of higher education in the State, conduct a review of veterans receiving benefits under the G. I. Bill of Rights to determine future projections of how many veterans would be eligible for resident status, the fiscal impact of such extension of benefits, and the relationship to and effect upon existing student financial aid programs; and

BE IT FURTHER RESOLVED, That the Council for Post-secondary Education submit a report and recommendations to the Senate Committee on Higher Education on or before November 1, 1975;

BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted immediately upon adoption by the Secretary of the Senate to the House of Representatives and the Council for Post-secondary Education.

President Pro Tempore Henry assumed the Chair.

MOTION

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

SENATE RESOLUTION 1975-137

By Senators Guess, Goltz, Sandison, Odegaard, Benitz and Donohue:

WHEREAS, Spokane, the state's second largest metropolitan area, requires a broad range of post-secondary opportunities to meet the academic, occupational, and avocational needs of its citizens; and

WHEREAS, Over 20,000 persons are currently participating in post-secondary offerings through the complex array of institutions — public, private and proprietary — now serving the Spokane area; and

WHEREAS, These institutions are presently concerned about developing appropriate responses to the variety of educational needs existing in the Inland Empire; and

WHEREAS, Such interest not only beneficially broadens educational opportunities of the citizens of that area but also heightens the potential for undesirable competition between institutions; and

WHEREAS, Any change in service by one institution serving the area is certain to affect the service of other institutions to the area; and

WHEREAS, It is in the public interest to preserve, insofar as possible, the integrity of these institutions while ensuring that educational resources are used efficiently and effectively to serve the public needs;

NOW, THEREFORE, BE IT RESOLVED, That as part of its comprehensive planning responsibilities the Council for Post-secondary Education shall undertake a

study of the post-secondary educational needs, current and projected, of the Spokane metropolitan area and the most efficient means of satisfying those needs, including but not limited to:

(1) a determination of the nature and magnitude of the needs for educational services, current and projected, in the Spokane metropolitan area;

(2) the extent to which those needs are being, or will be, met through existing programs;

(3) a determination of the relative effectiveness and cost to the student and the state, of alternative delivery systems in meeting those needs;

(4) the extent to which the state should attempt to expand services to meet determined needs and the effect of such expansion on the ongoing programs of local private institutions;

(5) a clarification of the various institutions' roles in meeting the identified needs in the Spokane area.

BE IT FURTHER RESOLVED, That the Council for Post-secondary Education is requested to report its findings and recommendations to the Higher Education Committee of the Washington State Senate on or before November 1, 1975.

BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted immediately upon adoption by the Secretary of the Senate to the House of Representatives and the Council for Post-secondary Education.

MOTION

On motion of Senator Mardesich, the following Senate Floor Resolutions were referred to the Committee on Rules:

1975-135 — Petroleum supply shortages, study

1975-136 — Medical malpractices issues, study

1975-137 — Campaign contributions, study

1975-138 — Environmental policy acts costs, study

1975-140 — Shoreline management act impact, study

MOTIONS

On motion of Senator Mardesich, the Senate commenced consideration of Senate Resolution 1975-141.

Senator Bailey moved adoption of the following resolution:

SENATE RESOLUTION 1975-141

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

WHEREAS, The Legislature has entered into a private service contract with Wally Miller and Associates to bring about in-depth studies aimed at solving long-range problems of education in the State of Washington; and

WHEREAS, The Senate Committee on Ways and Means has named subcommittees to study these problems; and

WHEREAS, It is necessary that a group be named to coordinate the subcommittees to receive reports of those contracted with to do this work, to supervise and make additional assignments to the staffs and subcommittees and to generally supervise and coordinate related problems as they may occur in this study;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington establish a select Educational Study Coordinating Committee of eight members, four from each caucus, to carry out the above duties and such other educational study matters as may come before it.

MOTION

On motion of Senator Lewis (Harry), Senate Resolution 1975-141 was held for consideration later today.

MOTION

At 11:35 a.m., on motion of Senator Mardesich, the Senate recessed until 1:00 p.m.

AFTERNOON SESSION

President Pro Tempore Henry called the Senate to order at 1:00 p.m.

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

MESSAGE FROM THE HOUSE

June 9, 1975.

Mr. President: The House has adopted the report of the Free Conference Committee on ENGROSSED SENATE BILL NO. 2210 and has passed the bill as amended by the Free Conference Committee, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

REPORT OF FREE CONFERENCE COMMITTEE

June 8, 1975.

Mr. Speaker:

Mr. President:

We, of your Free Conference Committee, to whom was referred ENGROSSED SENATE BILL NO. 2210, authorizing fees for optional noncredit extra-curricular events of school districts and providing for their disposition, have had the same under consideration, and recommend that the bill be amended as recommended by the Conference Committee.

Signed by: Senators Stortini, Gould and Van Hollebeke; Representatives Bauer, Gaspard and Berentson.

MOTION

On motion of Senator Stortini, the report of the Free Conference Committee on Engrossed Senate Bill No. 2210 was adopted.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2210, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 39; absent or not voting, 5; excused, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Goltz, Gould, Grant, Henry, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, Murray, Odegaard, Rasmussen, Ridder, Sandison, Scott, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—39.

Absent or not voting: Senators Fleming, Guess, Peterson, Pullen, Sellar—5.

Excused: Senators Herr, Keefe, McDermott, Newschwander, North—5.

ENGROSSED SENATE BILL NO. 2210, 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.

MESSAGES FROM THE HOUSE

June 9, 1975.

Mr. President: The House has adopted the report of the Free Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 972 and has passed the bill as amended by the Free Conference Committee.

DEAN R. FOSTER, Chief Clerk.

June 9, 1975.

Mr. President: The House has adopted the report of the Free Conference Committee on SUBSTITUTE HOUSE BILL NO. 867 and has passed the bill as amended by the Free Conference Committee.

DEAN R. FOSTER, Chief Clerk.

June 9, 1975.

Mr. President: The House has passed: ENGROSSED SENATE BILL NO. 2886, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTIONS

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

On motion of Senator Mardesich, the Senate commenced consideration of Senate Resolution 1975-143.

Senator Morrison moved adoption of the following resolution:

SENATE RESOLUTION 1975-143

By Senators Sellar, Morrison, Grant, Bailey and von Reichbauer:

WHEREAS, Most Senate committees are spelling out in well-phrased detail, and at great public expense, their plans to solve the world's problems during the oft-promised interim; and

WHEREAS, The Senate Labor Committee has traditionally been a sounding board for the diametrically opposing views of labor and management; and

WHEREAS, Any subject brought up for hearing by the Labor Committee normally inspires testimony on a broad range of issues including the ancestry of the participants; and

WHEREAS, Under the capable chairmanship of Senator Ruthe Ridder most problems are solved anyway, and there seems to be little value in either enumerating or restricting the issues to be considered by the committee;

NOW, THEREFORE, BE IT RESOLVED, That the Senate Labor Committee be granted the authority to meet occasionally and cautiously during the interim.

Debate ensued.

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

MOTIONS

On motion of Senator Mardesich, the Senate commenced consideration of Senate Resolution 1975-142.

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

SENATE RESOLUTION 1975-142

By Senators Day, Guess, and Lewis, (R. H. "Bob"):

WHEREAS, Interlake School has been and is organized and maintained for a treatment of the profoundly disabled; and

WHEREAS, Interlake School has performed admirably in the care and treatment of persons suffering from these severe disabilities; and

WHEREAS, Interlake School has been approved by the Department of Health, Education and Welfare for Title XIX funding, which funding contributes materially to the cost of operation of said school; and

WHEREAS, Interlake School has been granted provisional accreditation by the joint commission on accreditation of hospitals; and

WHEREAS, Lakeland Village has been programmed for the care of the less profoundly disabled; and

WHEREAS, The two categories are not necessarily compatible to the same pro-

grams, and the students of Interlake School, if merged with Lakeland Village, could have a potential debilitating effect on the students at Lakeland Village; and

WHEREAS, The two schools should be operated structurally and administratively as separate entities;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington that Interlake School and Lakeland Village should continue in the future as separate and distinct entities; and

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Charles Morris, Secretary of the Department of Social and Health Services.

MOTIONS

On motion of Senator Mardesich, the Senate commenced consideration of Senate Resolution 1975-144.

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

SENATE RESOLUTION 1975-144

By Senator Washington:

WHEREAS, There are nonimmigrant aliens living in the State of Washington; and

WHEREAS, Those nonimmigrant aliens living in this state hold visa classifications as defined by Title 8 section 1101(a)(15) under the Immigration and Nationality Act as in the Codes of the Laws of the United States of America; and

WHEREAS, Such nonimmigrant aliens or the spouse of dependents thereof are attending and probably will continue to attend state supported institutions of higher education in the state of Washington; and

WHEREAS, Such nonimmigrant alien students are required to pay nonresident tuition and fees; and

WHEREAS, Such families who live in this state pay federal, state and local taxes, contribute to the social and cultural activities within their neighborhoods, and contribute most substantially to the economic welfare of this state;

NOW, THEREFORE, BE IT RESOLVED, That the Council for Post-secondary Education study the problem of nonimmigrant aliens paying nonresident tuition and fees, the legal and fiscal implications of extending resident tuition and fee rates at institutions of higher education to such aliens, the visa classifications as defined by Title 8 section 1101(a)(15) under the Immigration and Nationality Act as in the Codes of the Laws of the United States of America, and any other problems which might arise if such rights are extended; and

BE IT FURTHER RESOLVED, That the results of such study and any recommendations shall be reported back to the Senate Higher Education Committee by November 1, 1975.

BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted immediately upon adoption by the Secretary of the Senate to the House of Representatives and the Council for Post-secondary Education.

MOTION

On motion of Senator Mardesich, the following Senate Resolutions were referred to the Committee on Rules:

1975-145 — Constitutional conventions, other states, study

1975-146 — Punchcard voting systems, study

1975-147 — Initiative 276, problems, financial disclosure, study

1975-148 — Excess hatchery fish, study

1975-149 — Redistricting, apportionment, study

1975-150 — Central committee selections, study

1975-151 — Post card voter registration study

MOTION

On motion of Senator Mardesich, the Senate returned to the first order of business.

REPORT OF STANDING COMMITTEE

June 9, 1975.

SENATE BILL NO. 2772, making an appropriation for local mass transit (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 2772 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Donohue, Chairman; Wilson, Second Vice Chairman; Bailey, Clarke, Lewis (Harry), Mardesich, Marsh, Matson, Rasmussen, Sandison.

MOTIONS

On motion of Senator Mardesich, the rules were suspended and Senate Bill No. 2772 was advanced to second reading.

On motion of Senator Mardesich, the rules were suspended, Substitute Senate Bill No. 2772 was substituted for Senate Bill No. 2772 and the bill was read the second time in full.

On motion of Senator Mardesich, Substitute Senate Bill No. 2772 was held for further action later today.

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

Senator Mardesich moved that the Senate commence consideration of Senate Resolution 1975-69.

On motion of Senator Lewis (Harry), Senate Resolution 1975-69 was made a special order of business for 3:00 p.m. today.

Senator Day moved that the Senate revert to the fourth order of business to consider the House Message on Engrossed Substitute House Bill No. 40.

POINT OF ORDER

Senator Walgren: "Mr. President, as I understand the rules that we had adopted, when there is an amendment placed on a bill and it goes over to the House and they refuse to concur, that under our rules and procedure and tradition and precedent that that bill should then be returned to the Senate and we should be requested to recede or at least be given the opportunity of receding from our amendments. This was not done. Rather, the House in this particular instance simply said they would not concur in the Senate amendment and appointed a conference. I think that that deprives the Senate of one opportunity of further consideration of the bill and a determination as to whether or not we want to hold to our amendments or whether or not we might want to recede, and I think that we have followed an improper procedure in this particular matter and I think that we should revert and go through the proper procedure."

REMARKS BY SENATOR DAY

Senator Day: "Mr. President, speaking to that point of order I would request a ruling of the Chair as to the timeliness of raising the point, in view of the fact that we have already granted both the powers of conference and free conference."

RULING BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "The President, in ruling on the point of order, it is true that again the House has been short cutting us like they have all session and we have been letting them get away with it, but I think in this case as in all other cases we had the right at that time to either recede or not appoint a conference committee, but we did choose to appoint the conference committee."

REMARKS BY SENATOR WALGREN

Senator Walgren: "I do not think we had the opportunity of receding and that is really my point. It was not presented to us at that point as far as receding and I think that is the error of procedure, certainly not from anything we have done in this body. Rather, it was the error that occurred over in the House of Representatives which has deprived this Senate from being able to act upon a measure in the proper course."

RULING BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "Senator Walgren, there are several motions that could have been made at that time. However, the motion was made that we appoint a conference committee and that motion did carry, so it was the action of the body and I do not think the President can overturn that."

MESSAGE FROM THE HOUSE

June 5, 1975.

Mr. President: The House has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 40, and has granted said committee the powers of Free Conference.

DONALD R. WILSON, Assistant Chief Clerk.

REPORT OF FREE CONFERENCE COMMITTEE

June 9, 1975.

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 40, providing for health maintenance organization, have had the same under consideration, and we recommend that the Senate amendment be adopted with the following amendment:

On page 16, following line 35 of the Senate amendment, add a new section as follows:

"*NEW SECTION.* Sec. 19. (1) The state government, or any political subdivision thereof, which offers its employees a health benefits plan shall make available to and inform its employees or members of the option to enroll in at least one health maintenance organization holding a valid certificate of authority which provides health care services in the geographic areas in which such employees or members reside.

(2) Each employer, public or private, having more than fifty employees in this state which offers its employees a health benefits plan, and each employee benefits fund in this state having more than fifty members which offers its members any form of health benefits shall make available to and inform its employees or members of the option to enroll in at least one health maintenance organization holding a valid certificate of authority which provides health care services in the geographic areas in which a substantial number of such employees or members reside: PROVIDED, That unless at least 25 employees agree to participate in a health maintenance organization the employer need not provide such an option: PROVIDED FURTHER, That where such employees are members of a bona fide bargaining unit covered by a labor-management collective bargaining agreement, the selection of the options required by this section may be specified in such agreement: AND PROVIDED FURTHER, That the provisions of this section shall not be mandatory where such members are covered by a Taft-Hartley health care trust, except that the labor-management trustees may contract with a health maintenance organization if a feasibility study determines it is to the advantage of the members to so contract.

(3) Subsections (1) and (2) of this section shall impose no responsibilities or duties upon state government or any political subdivision thereof or any other employer, either public or private, to provide health maintenance organization coverage when no health maintenance organization exists for the purpose of providing health care services in the geographic areas in which the employees or members reside.

(4) No employer in this state shall in any way be required to pay more for health benefits as a result of the application of this section than would otherwise be required by any prevailing collective bargaining agreement or other legally enforceable contract of obligation for the provision of health benefits between such employer and its employees."

Renumber the remaining sections consecutively.

Signed by: Senators Day, McDermott and Buffington; Representatives Adams and Eng.

MOTION

On motion of Senator Day, the report of the Free Conference Committee on Engrossed Substitute House Bill No. 40 was adopted.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 40, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 32; nays, 10; absent or not voting, 2; excused, 5.

Voting yea: Senators Bailey, Benitz, Bluechef, Bottiger, Clarke, Cunningham, Day, Fleming, Francis, Goltz, Gould, Grant, Guess, Jolly, Jones, Knoblauch, Lewis (R. H. "Bob"), Marsh, Matson, Morrison, Murray, Odegaard, Peterson, Pullen, Ridder, Scott, Stortini, Talley, Van Hollebeke, von Reichbauer, Washington, Woody—32.

Voting nay: Senators Beck, Buffington, Henry, Mardesich, Rasmussen, Sandison, Sellar, Walgren, Wanamaker, Wilson—10.

Absent or not voting: Senators Donohue, Lewis (Harry)—2.

Excused: Senators Herr, Keefe, McDermott, Newschwander, North—5.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 40, 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

At 1:40 p.m., on motion of Senator Mardesich, the Senate was declared to be at ease.

President Pro Tempore Henry called the Senate to order at 2:50 p.m.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of the House Message on Engrossed Senate Bill No. 2090.

MESSAGE FROM THE HOUSE

June 8, 1975.

Mr. President: The House has adopted the report of the Free Conference Committee on ENGROSSED SENATE BILL NO. 2090 and has passed the bill as amended by the Free Conference Committee, and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

REPORT OF FREE CONFERENCE COMMITTEE

June 9, 1975.

Mr. Speaker:

Mr. President:

We, of your Free Conference Committee, to whom was referred ENGROSSED SENATE BILL NO. 2090, making miscellaneous changes in education code, have had the same under consideration, and we recommend that the bill be amended as follows:

That the House committee amendment to page 2, line 25 be not adopted;

On page 2, line 25 of the engrossed bill, strike all of new section 4 and renumber remaining sections consecutively.

Signed by: Senators Stortini, Newschwander and Marsh; Representatives Bauer, Bender and Hayner.

MOTION

Senator Stortini moved the report of the Free Conference Committee on Engrossed Senate Bill No. 2090 be adopted.

POINT OF INQUIRY

Senator Cunningham: "Would Senator Stortini yield to a question? Senator Stortini, isn't part of this conference report the complete repeal of the oath that has been required by the SPI's office for alien teachers?"

Senator Stortini: "Yes, that is correct, Senator Cunningham. It repeals the citizenship requirement for common school teachers that is considered to be unconstitutional by our courts."

Senator Cunningham: "Does not it also completely repeal RCW 28A.67.020?"

Senator Stortini: "That is the oath that you are talking about?"

Senator Cunningham: "Yes."

Senator Stortini: "I believe you will find, Senator, that in fact just this last year in December in a case of *Orange vs. James* that was proven to be unconstitutional anyway, and at the present time that oath that you are talking about has been reduced to just one specific sentence."

Further debate ensued.

MOTION

On motion of Senator Cunningham, further consideration of the Free Conference report on Engrossed Senate Bill No. 2090 was placed following the House Message on Engrossed Senate Bill No. 2346.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of the House Message on Engrossed Senate Bill No. 2346.

MESSAGE FROM THE HOUSE

June 9, 1975.

Mr. President: The House has adopted the report of the Free Conference Committee on ENGROSSED SENATE BILL NO. 2346 and has passed the bill as amended by the Free Conference Committee, and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

REPORT OF FREE CONFERENCE COMMITTEE

June 9, 1975.

Mr. Speaker:

Mr. President:

We, of your Free Conference Committee, to whom was referred ENGROSSED SENATE BILL NO. 2346, changing requirements relating to sale of real property by school districts, have had the same under consideration, and recommend that the bill be amended as recommended by the Conference Committee.

Signed by: Senators Stortini, Matson and Woody; Representatives Bauer, Hurley and Brown.

MOTION

On motion of Senator Woody, the report of the Free Conference Committee on Engrossed Senate Bill No. 2346 was adopted.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2346, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 39; absent or not voting, 5; excused, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Henry, Jolly, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, Murray, Odegard, Peterson, Rasmussen, Ridder, Sandison, Scott, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—39.

Absent or not voting: Senators Bottiger, Guess, Jones, Pullen, Sellar—5.

Excused: Senators Herr, Keefe, McDermott, Newschwander, North—5.

ENGROSSED SENATE BILL NO. 2346, 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 Mardesich, the Senate commenced consideration of the House Message on Engrossed Second Substitute House Bill No. 827.

MESSAGE FROM THE HOUSE

June 8, 1975.

Mr. President: The House has adopted the report of the Conference Committee on ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 827 and has granted said committee the powers of Free Conference.

DONALD R. WILSON, Assistant Chief Clerk.

REPORT OF FREE CONFERENCE COMMITTEE

June 9, 1975.

Mr. Speaker:

Mr. President:

We, of your Free Conference Committee, to whom was referred ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 827, providing for changes in public disclosure provisions, have had the same under consideration, and recommend that the bill be amended as recommended by the Conference Committee.

Signed by: Senators Beck, Scott and Woody; Representatives King, Hayner and Fortson.

MOTION

On motion of Senator Beck, the report of the Free Conference Committee on Engrossed Second Substitute House Bill No. 827 was adopted.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 827, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 35; nays, 8; absent or not voting, 2; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Goltz, Gould, Guess, Henry, Jolly, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, Newschwander, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Van Hollebeke, Walgren, Wanamaker, Woody—35.

Voting nay: Senators Fleming, Grant, Knoblauch, Murray, Talley, von Reichbauer, Washington, Wilson—8.

Absent or not voting: Senators Bottiger, Pullen—2.

Excused: Senators Herr, Keefe, McDermott, North—4.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 827, 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. 2210,

SENATE BILL NO. 2886.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of the House Message on Engrossed House Bill No. 671.

MESSAGE FROM THE HOUSE

June 9, 1975.

Mr. President: The House refuses to concur in the Senate amendments to ENGROSSED HOUSE BILL NO. 671, and asks the Senate to recede therefrom, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Odegaard, the Senate adhered to its position on the Senate amendments to Engrossed House Bill No. 671 and refuses to recede therefrom, and once again asks the House to concur therewith.

SPECIAL ORDER OF BUSINESS

The time having arrived, the Senate resumed consideration of Senate Resolution 1969-69 from June 7, 1975.

Senator Morrison moved adoption of the following amendment:

On page 1, beginning with "WHEREAS" on line 6, strike all of the material down to and including "and" on line 11.

Debate ensued.

POINT OF ORDER

Senator Francis: "The part that Senator Lewis is talking about is not in connection with the amendment by Senator Morrison. It is not in that language at all."

RULING BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "Your point is well taken."

Further debate ensued.

POINT OF INQUIRY

Senator Cunningham: "I wanted to ask Senator Ridder a question but maybe Senator Francis could answer. On mandatory overtime, are you considering that over forty hours in a week or more than eight hours in a day?"

Senator Francis: "Senator Cunningham, I would think that was more than forty hours in a week because certainly I do not want to interfere with any of these four day work programs or anything like that."

Senator Cunningham: "And would it be your opinion that no one as a regular condition of employment should be required to work more than forty hours in a week?"

Senator Francis: "No hourly employee."

Senator Cunningham: "Then I would like to know how you advocate getting two days off for workers who work in plants with seven day production, when normally the standard is to have four work crews, three of them working eight-hour shifts a day, five days a week, and then the other crew being the relief crew mandatorily working six eight-hour shifts over a six day period, only getting one day off. Now how do you propose getting around that, put everybody on six four-hour days?"

Senator Francis: "Senator Cunningham, I propose getting around that by saying that no one would be forced to work in that kind of a rotation. That is correct."

Senator Cunningham: "And what you would say then is an employee should be denied the right to understand that if he were to take work on a relief crew that a condition of that employment would have to be a total of forty-eight hours a week? You would preclude that?"

Senator Francis: "I do not know. If that is part of the conditions when they first go to work I do not know. I would want to have a chance to dig into some of the ramifications of that. That might be acceptable if I did not find anything else wrong with it. That is a lot different from being a worker who is working on a forty hour week and suddenly is told that he or she is going to have to, for the next few weeks, work three hours over-time every day."

Senator Cunningham: "Thank you."

Further debate ensued.

MOTION

On motion of Senator Mardesich, Senate Resolution 1975-69 and the pending amendment were ordered held.

MOTION

On motion of Senator Mardesich, the Senate resumed consideration of the Free Conference report on Engrossed Senate Bill No. 2090. Earlier today, Senator Stortini had moved that the report be adopted.

The motion by Senator Stortini carried and the report of the Free Conference Committee on Engrossed Senate Bill No. 2090 was adopted.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 2090, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2090, as amended by the Free Conference Committee, and the bill failed to pass the Senate by the following vote: Yeas, 18; nays 26; absent or not voting, 1; excused, 4.

Voting yea: Senators Bailey, Benitz, Bluechel, Buffington, Fleming, Francis, Goltz, Gould, Grant, Jolly, Marsh, Peterson, Ridder, Sandison, Stortini, Van Hollebeke, Washington, Woody—18.

Voting nay: Senators Beck, Clarke, Cunningham, Day, Donohue, Guess, Henry, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Matson, Morrison, Murray, Newschwander, Odegard, Pullen, Rasmussen, Scott, Sellar, Talley, von Reichbauer, Walgren, Wanamaker, Wilson—26.

Absent or not voting: Senator Bottiger—1.

Excused: Senators Herr, Keefe, McDermott, North—4.

ENGROSSED SENATE BILL NO. 2090, as amended by the Free Conference Committee, having failed to receive the constitutional majority, was declared lost.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of the House Message on Engrossed Senate Bill No. 2046.

MESSAGE FROM THE HOUSE

June 9, 1975.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2046 with the following amendments:

On page 1, beginning on line 1 of the title, after "gambling," strike all the material down to and including "9.46.010;" on line 3.

On page 2, line 9 of the engrossed bill after "that" strike all material through and including "they" on line 10 and insert "fishing derbies".

On page 4, line 35, after "contest" and before the comma on line 36, strike "*not conducted for profit*".

On page 4, line 35, after "with" insert "*or without*", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTIONS

Senator Walgren moved the Senate do concur in the House amendments to Engrossed Senate Bill No. 2046.

Senator Francis moved Engrossed Senate Bill No. 2046 and the House amendments thereto, be considered following Senate Resolution 1975-69.

Debate ensued.

POINT OF INQUIRY

Senator Francis: "Will Senator Walgren yield? Senator Walgren, what is the difference between what is in this bill and what the Governor vetoed?"

Senator Walgren: "The Governor vetoed the various provisions with regard to cakewalks and small types of gambling that were put on in the House. He vetoed all of that out. He wrote in his veto message that he believed that fishing derbies should be exempted from the provisions of registration and licensing under our gambling act, but unfortunately, because of the method that he must now follow for vetoing, in order to take care of the bad parts of the bill, at least as he envisioned them, he had to veto out the definition of a fishing derby and so consequently it puts us in, I think, a rather tenuous legal position and that is why it is necessary to pass this bill now."

Senator Francis: "Okay. Senator Walgren, I think what you are trying to do is probably realistic in that case. However, I would still like to have a chance to look at this and accordingly I do not want to withdraw my motion."

The motion by Senator Francis failed.

The motion by Senator Walgren carried and the Senate concurred in the House amendments to Engrossed Senate Bill No. 2046.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2046, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; nays 2; absent or not voting, 2; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Goltz, Gould, Guess, Henry, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, Newschwander, Odegard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Selar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—41.

Voting nay: Senators Francis, Grant—2.

Absent or not voting: Senators Bottiger, Murray—2.

Excused: Senators Herr, Keefe, McDermott, North—4.

ENGROSSED SENATE BILL NO. 2046, 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

June 8, 1975.

Mr. President: The House concurred in the Senate amendments to REENGROSSED SUBSTITUTE HOUSE BILL NO. 413 and has passed the bill as amended by the Senate.

DONALD R. WILSON, Assistant Chief Clerk.

June 9, 1975.

Mr. President: The House has adopted the report of the Free Conference Committee

on ENGROSSED SUBSTITUTE HOUSE BILL NO. 40 and has passed the bill as amended by the Free Conference Committee.

DEAN R. FOSTER, Chief Clerk.

June 9, 1975.

Mr. President: The House has adopted the report of the Free Conference Committee on SUBSTITUTE HOUSE BILL NO. 693 and has passed the bill as amended by the Free Conference Committee.

DONALD R. WILSON, Assistant Chief Clerk.

June 9, 1975.

Mr. President: The House has adopted the report of the Free Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 206 and has passed the bill as amended by the Free Conference Committee.

DONALD R. WILSON, Assistant Chief Clerk.

June 9, 1975.

Mr. President: The House has adopted the report of the Conference Committee on SECOND SUBSTITUTE HOUSE BILL NO. 1146 and has passed the bill as amended by the Conference Committee.

DONALD R. WILSON, Assistant Chief Clerk.

June 9, 1975.

Mr. President: The House has adopted the report of the Free Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1143 and has passed the bill as amended by the Free Conference Committee.

DONALD R. WILSON, Assistant Chief Clerk.

June 9, 1975.

Mr. President: The House has adopted the report of the Free Conference Committee on ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 827 and has passed the bill as amended by the Free Conference Committee.

DEAN R. FOSTER, Chief Clerk.

June 9, 1975.

Mr. President: The Speaker has signed:
SUBSTITUTE SENATE JOINT RESOLUTION NO. 127,
SENATE CONCURRENT RESOLUTION NO. 101, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

June 9, 1975.

Mr. President: The Speaker has signed:
SUBSTITUTE HOUSE BILL NO. 206,
HOUSE BILL NO. 310,
SUBSTITUTE HOUSE BILL NO. 693,
SUBSTITUTE HOUSE BILL NO. 866,
SUBSTITUTE HOUSE BILL NO. 867,
SUBSTITUTE HOUSE BILL NO. 972,
SUBSTITUTE HOUSE BILL NO. 1143,
SUBSTITUTE HOUSE BILL NO. 1146, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

June 9, 1975.

Mr. President: The Speaker has signed:

SENATE BILL NO. 2210,

SENATE BILL NO. 2886, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 206,

HOUSE BILL NO. 310,

SUBSTITUTE HOUSE BILL NO. 693,

SUBSTITUTE HOUSE BILL NO. 866,

SUBSTITUTE HOUSE BILL NO. 867,

SUBSTITUTE HOUSE BILL NO. 1143,

SUBSTITUTE HOUSE BILL NO. 1146.

MOTIONS

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

On motion of Senator Mardesich, Senate Resolution 1975-152, regarding private employment agency study, was referred to the Committee on Rules.

MOTION

On motion of Senator Mardesich, the Senate returned to the fifth order of business.

INTRODUCTION AND FIRST READING

ENGROSSED HOUSE BILL NO. 1119, by Representatives Parker and Adams:

Coordinating and surveying the health care delivery system.

Referred to Committee on Social and Health Services.

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 7, By Representatives Hanna, Randall, Hawkins, Smith (Rick), Bender, Haley, Peterson, Adams, Gaspard, Conner, Moreau, Charette, Fortson, North, Thompson, McCormick, Haussler, Paris, Eng, Maxie, Chatalas and Gaines:

Directing department of social and health services to drop matching fund requirements for financing of care facilities.

Referred to Committee on Social and Health Services.

MOTIONS

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

On motion of Senator Mardesich, the Senate resumed consideration of Senate Resolution 1975-141. Earlier today, Senator Bailey had moved adoption of the resolution.

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

MOTION

On motion of Senator Mardesich, the Senate returned to the fifth order of business.

INTRODUCTION AND FIRST READING

SENATE CONCURRENT RESOLUTION NO. 117, by Senators Bailey, Mardesich, Matson and Lewis (Harry):

Providing for transmittal of bills between the houses.

On motion of Senator Mardesich, the rules were suspended and Senate Concurrent Resolution No. 117 was advanced to second reading and read the second time in full.

MOTION

On motion of Senator Mardesich, the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

June 8, 1975.

Mr. President: The House has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 2736, and has granted said committee the powers of Free Conference.

DEAN R. FOSTER, Chief Clerk.

REPORT OF CONFERENCE COMMITTEE

June 8, 1975.

Mr. Speaker:

Mr. President

We, of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 2736, making certain corrections and adjustments in the tax laws, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference, in order to amend the bill as follows:

"An act relating to revenue and taxation; amending section 1, chapter 191, Laws of 1939 as last amended by section 4, chapter 4, Laws of 1973 2nd ex. sess. and RCW 70.12.010; amending section 1, chapter 162, Laws of 1943 as last amended by section 79, chapter 195, Laws of 1973 1st ex. sess. and RCW 70.32.010; amending section 16, chapter 277, Laws of 1971 ex. sess. as amended by section 2, chapter 213, Laws of 1973 1st ex. sess. and RCW 70.33.020; amending section 18, chapter 277, Laws of 1971 as amended by section 81, chapter 195, Laws of 1973 1st ex. sess. and by section 4, chapter 213, Laws of 1973 1st ex. sess. and RCW 70.33.040; amending section 1, chapter 8, Laws of 1970 ex. sess. as last amended by section 1, chapter 90, Laws of 1975 1st ex. sess. and RCW 82.04.050; amending section 82.04.120, chapter 15, Laws of 1961 as amended by section 3, chapter 173, Laws of 1965 ex. sess. and RCW 82.04.120; amending section 82.04.260, chapter 15, Laws of 1961 as last amended by section 5, chapter 281, Laws of 1971 ex. sess. and RCW 82.04.260; amending section 4, chapter 169, Laws of 1974 ex. sess. and RCW 82.04.443; amending section 82.04.460, chapter 15, Laws of 1961 and RCW 82.04.460; amending section 82.08.030, chapter 15, Laws of 1961 as last amended by section 1, chapter 185, Laws of 1974 ex. sess. and RCW 82.08.030; amending section 82.12.030, chapter 15, Laws of 1961 as last amended by section 185, Laws of 1974 ex. sess. and RCW 82.12.030; amending section 84.36.020, chapter 15, Laws of 1961 as last amended by section 1, chapter 40, Laws of 1973 2nd ex. sess. and RCW 84.36.020; amending section 1, chapter 182, Laws of 1974 ex. sess. and RCW 84.36.381; amending section 2, chapter 182, Laws of 1974 ex. sess. and RCW 84.36.383; amending section 4, chapter 182, Laws of 1974 ex. sess. and RCW 84.36.387; amending section 8, chapter 169, Laws of 1974 ex. sess. and RCW 84.36.470; amending section 9, chapter 40, Laws of 1973 2nd ex. sess. and RCW 84.36.815; amending section 11, chapter 40, Laws of 1973 2nd ex. sess. and RCW 84.36.825; amending section 19, chapter 40, Laws of 1973 2nd ex. sess. and RCW 84.36.865; amending section 84.69.020, chapter 15, Laws of 1961 as last amended by section 2, chapter 122, Laws of 1974 ex. sess. and RCW 84.69.020; adding a new section to chapter 191, Laws of 1939 and to chapter 70.12 RCW; adding new sections to chapter 15, Laws of 1961 and to chapter 84.36 RCW; adding a new chapter to Title 84 RCW;

creating new sections; repealing section 1, chapter 191, Laws of 1939, section 1, chapter 163, Laws of 1943, section 6, chapter 47, Laws of 1970 ex. sess., section 78, chapter 195, Laws of 1973 1st ex. sess., section 4, chapter 4, Laws of 1973 2nd ex. sess., section 1, chapter . . . (ESSB 2736), Laws of 1975 1st ex. sess. and RCW 70.12.010; repealing section 3, chapter 117, Laws of 1959, section 1, chapter 101, Laws of 1961, section 15, chapter 110, Laws of 1967 ex. sess., section 24, chapter 277, Laws of 1971 ex. sess., section 80, chapter 195, Laws of 1973 1st ex. sess. and RCW 70.32.090; repealing section 5, chapter 277, Laws of 1971 ex. sess. and RCW 70.35.010; repealing section 6, chapter 277, Laws of 1971 ex. sess. and RCW 70.35.020; repealing section 7, chapter 277, Laws of 1971 ex. sess. and RCW 70.35.030; repealing section 8, chapter 277, Laws of 1971 ex. sess., section 5, chapter 213, Laws of 1973 1st ex. sess. and RCW 70.35.040; repealing section 9, chapter 277, Laws of 1971 ex. sess. and RCW 70.35.050; repealing section 10, chapter 277, Laws of 1971 ex. sess. and RCW 70.35.060; repealing section 11, chapter 277, Laws of 1971 ex. sess., section 1, chapter 143, Laws of 1972 ex. sess., section 82, chapter 195, Laws of 1973 1st ex. sess. and RCW 70.35.070; repealing section 5, chapter 143, Laws of 1972 ex. sess. and RCW 70.35.075; repealing section 12, chapter 277, Laws of 1971 ex. sess. and RCW 70.35.080; repealing section 13, chapter 277, Laws of 1971 ex. sess. and RCW 70.35.090; repealing section 14, chapter 277, Laws of 1971 ex. sess. and RCW 70.35.100; repealing section 6, chapter 143, Laws of 1972 ex. sess. and RCW 70.35.110; repealing section 18, chapter 288, Laws of 1971 ex. sess. and RCW 84.10.010; prescribing effective dates; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Section 1. Section 1, chapter 191, Laws of 1939 as last amended by section 4, chapter 4, Laws of 1973 2nd ex. sess. and RCW 70.12.010 are each amended to read as follows:

Each board of county commissioners shall annually budget and levy as a tax for public health work in its county a sum equal to the amount which would be raised by a levy of [four and one-half] *nine* cents per thousand dollars of assessed value against the taxable property in the county, but nothing herein contained shall prohibit a county from obtaining said public health funds from any other source of county revenue or from budgeting additional sums for public health work.

This section shall expire on January 1, 1977.

NEW SECTION. Sec. 2. There is added to chapter 191, Laws of 1939 and to chapter 70.12 RCW a new section to read as follows:

Each county legislative authority shall annually budget and appropriate a sum for public health work.

Sec. 3. Section 1, chapter 162, Laws of 1943 as last amended by section 79, chapter 195, Laws of 1973 1st ex. sess. and RCW 70.32.010 are each amended to read as follows:

Tuberculosis is a communicable disease and tuberculosis control, 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 *in accordance with the standards set by the secretary pursuant to RCW 70.33.020*, the legislative authority of each county [enumerated in RCW 70.33.040] shall budget and [shall levy annually a tax in] *appropriate* a sum [equal to the amount which would be raised by a levy of six and one-quarter cents per thousand dollars of assessed value against the taxable property in any county enumerated in RCW 70.33.040,] to be used for the control of tuberculosis, including case finding, prevention and follow up of known cases of tuberculosis[: PROVIDED, That upon certification of the secretary that any such county has an unexpended balance from such levy, over and above the amount required for adequate tuberculosis control, including case finding, prevention and follow up of known cases of tuberculosis within such county, the 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 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 legislative authority and the department a monthly report of receipts and disbursements in the tuberculosis fund, which report shall also show balances of cash on hand].

Sec. 4. Section 16, chapter 277, Laws of 1971 ex. sess. as amended by section 2, chapter 213, Laws of 1973 1st ex. sess. and RCW 70.33.020 are each amended to read as follows:

From and after August 9, 1971, the secretary shall have responsibility for establishing standards for the control, prevention and treatment of tuberculosis and shall have administrative responsibility and control for all tuberculosis hospital facilities in the state operated pursuant to this chapter and RCW 70.32.010, 70.32.050, 70.32.060 and 70.32.090 and for providing, either directly or through agreement, contract or purchase, hospital, nursing home and other appropriate facilities and services including laboratory services for persons who are, or may be suffering from tuberculosis [except as otherwise provided by RCW 70.30.061, 70.33.020, 70.33.030, 70.33.040 and 70.35.040].

Pursuant to that responsibility, the secretary shall have the following powers and duties:

(1) To develop and enter into such agreements, contracts or purchase arrangements with counties and public and private agencies or institutions to provide for hospitalization, nursing home or other appropriate facilities and services for persons who are or may be suffering from tuberculosis, or 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 this chapter and RCW 70.32.010, 70.32.050, 70.32.060 and 70.32.090;

(3) Adopt such rules and regulations as are necessary to assure effective patient care and treatment, and to provide for the general administration of tuberculosis hospital facilities operated pursuant to this chapter and RCW 70.32.010, 70.32.050, 70.32.060 and 70.32.090.

Sec. 5. Section 18, chapter 277, Laws of 1971 as amended by section 81, chapter 195, Laws of 1973 1st ex. sess. and by section 4, chapter 213, Laws of 1973 1st ex. sess. and RCW 70.33.040 are each amended and reenacted to read as follows:

In order to maintain adequate tuberculosis hospital facilities and to provide for adequate hospitalization, nursing home and other appropriate facilities and services for the residents of the state of Washington who are or may be suffering from tuberculosis and to assure their proper care [pursuant to this chapter], the standards set by the secretary pursuant to RCW 70.33.020 and [RCW 70.32.010,] 70.32.050[,] and 70.32.060 [and 70.32.090], 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] *each county* shall [levy annually a tax in the sum equal to the amount which would be raised by a levy of six and one-quarter cents per thousand dollars of assessed value against the taxable property] *budget and appropriate annually a sum to provide such services* in the county.

If such counties desire to receive state services, they may elect to utilize funds [collected] pursuant to this section for the purpose of contracting with the state upon agreement by the state for the cost of providing tuberculosis hospitalization and/or out-patient treatment including laboratory services, or such funds may be retained by the county for operating its own services for the prevention and treatment of tuberculosis or any other community health purposes authorized by law. None of such counties shall be required to make any payments to the state or any other agency from these funds except

upon the express consent of the county legislative authority: PROVIDED, That if the counties do not comply with the promulgated standards of the department the secretary shall take action to provide such required services and to charge the affected county directly for the provision of these services by the state.

Sec. 6. Section 1, chapter 8, Laws of 1970 ex. sess. as last amended by section 1, chapter 90, Laws of 1975 1st 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, subsections (2) and (7) and RCW 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 also excluding sales of laundry service to members by nonprofit associations composed exclusively of nonprofit hospitals, 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 RCW; (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 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 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.

The term shall not include the sale of or charge made for [tangible personal property consumed and/or for] labor and services rendered in respect to the constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW, 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. Nor shall the term include the sale of services or charges made for the clearing of land and the moving of earth of or for the United States, any instrumentality thereof, or a county or city housing authority.

Sec. 7. Section 82.04.120, chapter 15, Laws of 1961 as amended by section 3, chapter 173, Laws of 1965 ex. sess. and RCW 82.04.120 are each amended to read as follows:

"To manufacture" embraces all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different or useful substance or article of tangible personal property is produced for sale or commercial or industrial use, and shall include the production or fabrication of special made or custom made articles, and the generation or production of electrical energy for resale or consumption outside the state.

"To manufacture" shall not include activities which consist of cutting, grading, or ice glazing sea-food which has been cooked, frozen or canned outside this state.

Sec. 8. Section 82.04.260, chapter 15, Laws of 1961 as last amended by section 5, chapter 281, Laws of 1971 ex. sess. and RCW 82.04.260 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of buying wheat, oats, dry peas, corn, rye and barley, but not including any manufactured or processed products thereof, and selling the same at wholesale; the tax imposed shall be equal to the

gross proceeds derived from such sales multiplied by the rate of one one-hundredth of one percent.

(2) Upon every person engaging within this state in the business of manufacturing wheat into flour; as to such persons the amount of tax with respect to such business shall be equal to the value of the flour manufactured, multiplied by the rate of one-eighth of one percent.

(3) Upon every person engaging within this state in the business of splitting or processing dried peas; as to such persons the amount of tax with respect to such business shall be equal to the value of the peas split or process, multiplied by the rate of one-quarter of one percent.

(4) Upon every person engaging within this state in the business of manufacturing seafood products which remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing by that person; as to such person the amount of tax with respect to such business shall be equal to the value of the products manufactured, multiplied by the rate of one-eighth of one percent.

(5) Upon every person engaging within this state in the business of manufacturing by canning, preserving, freezing or dehydrating fresh fruits and vegetables; as to such persons the amount of tax with respect to such business shall be equal to the value of the products canned, preserved, frozen or dehydrated multiplied by the rate of three-tenths of one percent.

(6) Upon every person engaging within this state in the business of manufacturing aluminum pig, ingot, billet, plate, sheet (flat or coiled), rod, bar, wire, cable or extrusions; as to such persons the amount of the tax with respect to such business shall be equal to the value of the products manufactured multiplied by the rate of four-tenths of one percent.

(7) Upon every nonprofit corporation and nonprofit association engaging within this state in research and development, as to such corporations and associations, the amount of tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of forty-four one-hundredths of one percent.

(8) Upon every person engaging within this state in the business of slaughtering, breaking and/or processing perishable meat products and/or selling the same at wholesale; as to such persons the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of thirty-three one-hundredths of one percent.

(9) Upon every person engaging within this state in the business of making sales, at retail or wholesale, of nuclear fuel assemblies manufactured by that person, as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the assemblies multiplied by the rate of twenty-five one-hundredths of one percent.

(10) Upon every person engaging within this state in the business of manufacturing nuclear fuel assemblies, as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured multiplied by the rate of twenty-five one-hundredths of one percent.

(11) *Upon every person engaging within this state in the business of acting as a travel agent; as to such persons the amount of the tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of twenty-five one-hundredths of one percent.*

Sec. 9. Section 4, chapter 169, Laws of 1974 ex. sess. and RCW 82.04.443 are each amended to read as follows:

For the purposes of this chapter:

"Business inventories" means all livestock and means personal property acquired or produced solely for the purpose of sale, or for the purpose of consuming such property in producing for sale a new article of tangible personal property of which such property becomes an ingredient or component. *Business inventories shall not mean personal property acquired or produced for the purpose of lease or rental.* It shall include inventories of finished goods and work in process.

"Successor" shall have the meaning given to it in RCW 82.04.180.

Sec. 10. Section 82.04.460, chapter 15, Laws of 1961 and RCW 82.04.460 are each amended to read as follows:

(1) Any person rendering services taxable under RCW 82.04.290 and maintaining places of business both within and without this state which contribute to the rendition of such services shall, for the purpose of computing tax liability under [this chapter] RCW 82.04.290, apportion to this state that portion of his gross income which is derived from services rendered within this state. Where such apportionment cannot be accurately made by separate accounting methods, the taxpayer shall apportion to this state that proportion of his total income which the cost of doing business within the state bears to the total cost of doing business both within and without the state.

(2) Notwithstanding the provision of subsection (1) of this section, persons doing business both within and without the state who receive gross income from service charges, as defined in RCW 63.14.010(8) (relating to amounts charged for granting the right or privilege to make deferred or installment payments) or who receive gross income from engaging in business as financial institutions within the scope of chapter 82.14A RCW (relating to city taxes on financial institutions) shall apportion or allocate gross income taxable under RCW 82.04.290 to this state pursuant to rules promulgated by the department consistent with uniform rules for apportionment or allocation developed by the states.

Sec. 11. Section 82.08.030, chapter 15, Laws of 1961 as last amended by section 1, chapter 185, Laws of 1974 ex. sess. and RCW 82.08.030 are each amended to read as follows:

The tax hereby levied shall not apply to the following sales:

(1) Casual and isolated sales of property or service, unless made by a person who is engaged in a business activity taxable under chapters 82.04, 82.16 or 82.28 RCW: PROVIDED, That the exemption provided by this paragraph shall not be construed as providing any exemption from the tax imposed by chapter 82.12 RCW;

(2) Sales made by persons in the course of business activities with respect to which tax liability is specifically imposed under chapter 82.16 RCW, when the gross proceeds from such sales must be included in the measure of the tax imposed under said chapter;

(3) The distribution and newsstand sale of newspapers;

(4) Sales which the state is prohibited from taxing under the Constitution of this state or the Constitution or laws of the United States;

(5) Sales of motor vehicle fuel used in aircraft by the manufacturer thereof for research, development, and testing purposes and sales of motor vehicle fuel taxable under chapter 82.36 RCW: PROVIDED, That the use of any such fuel upon which a refund of the motor vehicle fuel tax has been obtained shall be subject to the tax imposed by chapter 82.12 RCW;

(6) Sales (including transfers of title through decree of appropriation) heretofore or hereafter made of the entire operating property of a publicly or privately owned public utility, or of a complete operating integral section thereof, to the state or a political subdivision thereof for use in conducting any business defined in subdivisions (1), (2), (3), (4), (5), (6), (7), (8), (9), (10) or (11) of RCW 82.16.010;

(7) Auction sales made by or through auctioneers of tangible personal property (including household goods) which have been used in conducting a farm activity, when the seller thereof is a farmer and the sale is held or conducted upon a farm and not otherwise;

(8) Sales to 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 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, floods, and other national calamities and to devise and carry on measures for preventing the same;

(9) Sales of purebred livestock for breeding purposes where the animals are registered in a nationally recognized breed association; sales of cattle and milk cows used on the farm;

(10) Sales of tangible personal property (other than the type referred to in subdivision (11) hereof) for use by the purchaser in connection with the business of operating as a private or common carrier by air, rail, or water in interstate or foreign commerce: PROVIDED, That any actual use of such property in this state shall, at the time of such actual use, be subject to the tax imposed by chapter 82.12 RCW;

(11) Sales of airplanes, locomotives, railroad cars, or watercraft for use in conducting interstate or foreign commerce by transporting therein or therewith property and persons for hire or for use in conducting commercial deep sea fishing operations outside the territorial waters of the state; also sales of tangible personal property which becomes a component part of such airplanes, locomotives, railroad cars, or watercraft, and of motor vehicles or trailers whether owned by or leased with or without drivers and 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, in the course of constructing, repairing, cleaning, altering, or improving the same; also sales of or charges made for labor and services rendered in respect to such constructing, repairing, cleaning, altering, or improving;

(12) Sales of motor vehicles and trailers to be used for the purpose of transporting therein persons or property for hire in interstate or foreign commerce whether such use is by the owner or whether such motor vehicles and trailers are leased to the user with or without drivers: PROVIDED, That the purchaser or user must be the holder of a carrier permit issued by the Interstate Commerce Commission and that the vehicles will first move upon the highways of this state from the point of delivery in this state to a point outside of this state under the authority of a one-transit permit issued by the director of motor vehicles pursuant to the provisions of RCW 46.16.100;

(13) Sales of motor vehicles and trailers to nonresidents of this state for use outside of this state, even though delivery be made within this state, but only when (a) the vehicles or trailers will be taken from the point of delivery in this state directly to a point outside this state under the authority of a one-transit permit issued by the director of motor vehicles pursuant to the provisions of RCW 46.16.100, or (b) said motor vehicles and trailers will be registered and licensed immediately under the laws of the state of the purchaser's residence, will not be used in this state more than three months, and will not be required to be registered and licensed under the laws of this state;

(14) Sales to nonresidents of this state for use outside of this state of tangible personal property which becomes a component part of any machinery or other article of personal property belonging to such nonresident, in the course of installing, repairing, cleaning, altering, or improving the same and also sales of or charges made for labor and services rendered in respect to any installing, repairing, cleaning, altering, or improving, of personal property of or for a nonresident, but this subsection (14) shall apply only when the seller agrees to, and does, deliver the property to the purchaser at a point outside this state, or delivers the property to a common bona fide private carrier consigned to the purchaser at a point outside this state;

(15) Sales to nonresidents of this state for use outside of this state of watercraft requiring coast guard registration or registration by the state of principal use according to the Federal Boating Act of 1958, even though delivery be made within this state, but only when (a) the watercraft will not be used within this state for more than forty-five days and (b) an appropriate exemption certificate supported by identification ascertaining residence as provided by the department of revenue and signed by the purchaser or his agent establishing the fact that the purchaser is a nonresident and that the watercraft is for use outside of this state, one copy to be filed with the department of revenue with the regular report and a duplicate to be retained by the dealer.

(16) Sales of poultry for use in the production for sale of poultry or poultry products.

(17) Sales to nonresidents of this state for use outside of this state of machinery and implements for use in conducting a farming activity, when such machinery and implements will be transported immediately outside the state. As proof of exemption, an affidavit or certification in such form as the department of revenue shall require shall be made for each such sale, to be retained as a business record of the seller.

(18) Sales for use in states, territories and possessions of the United States which are not contiguous to any other state, but only when, as a necessary incident to the contract of sale, the seller delivers the subject matter of the sale to the purchaser or his designated agent at the usual receiving terminal of the carrier selected to transport the goods, under such circumstances that it is reasonably certain that the goods will be transported directly to a destination in such noncontiguous states, territories and possessions.

(19) Sales to municipal corporations, the state, and all political subdivisions thereof of tangible personal property consumed and/or of labor and services rendered in respect to contracts for watershed protection and/or flood prevention. This exemption shall be limited to that portion of the selling price which is reimbursed by the United States government according to the provisions of the Watershed Protection and Flood Prevention Act, Public Laws 566, as amended;

(20) Sales of semen for use in the artificial insemination of livestock;

(21) Sales to nonresidents of this state of tangible personal property for use outside this state when the purchaser has applied for and received from the department of revenue a permit certifying (1) that he is a bona fide resident of a state or possession or Province of Canada other than the state of Washington, (2) that such state, possession, or Province of Canada does not impose a retail sales tax or use tax of three percent or more or, if imposing such a tax, permits Washington residents exemption from otherwise taxable sales by reason of their residence, and (3) that he does agree, when requested, to grant the department of revenue access to such records and other forms of verification at his place of residence to assure that such purchases are not first used substantially in the state of Washington.

Any person claiming exemption from retail sales tax under the provisions of this subsection must display a nonresident permit as herein provided, and any vendor making a sale to a nonresident without collecting the tax must examine such permit, identify the purchaser as the person to whom the nonresident permit was issued, and maintain records which shall show the permit number attributable to each nontaxable sale.

Permits shall be personal and nontransferable, shall be renewable annually, and shall be issued by the department of revenue upon payment of a fee of one dollar. The department may in its discretion designate independent agents for the issuance of permits, according to such standards and qualifications as the department may prescribe. Such agents shall pay over and account to the department for all permit fees collected, after deducting as a collection fee the sum of fifty cents for each permit issued.

Any person making fraudulent statements in order to secure a permit shall be guilty of perjury. Any person making tax exempt purchases by displaying a permit not his own, or a counterfeit permit, with intent to violate the provisions of this subsection shall be guilty of a misdemeanor and, in addition, may be subject to a penalty not to exceed the amount of the tax due on such purchases. Any vendor who makes sales without collecting the tax to a person who does not hold a valid permit, and any vendor who fails to maintain records of permit numbers as provided in this section shall be personally liable for the amount of tax due.

(22) Sales of form lumber to 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.

(23) Sales of, cost of, or charges made for labor and services performed in respect to the mining, sorting, crushing, screening, washing, hauling and stockpiling of sand, gravel and 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 sales

of, cost of, or charges made for such labor and services, if the sand, gravel, or rock is used for other than public road purposes or is sold otherwise than as provided for in this subsection.

(24) Sales of wearing apparel to persons who themselves use such wearing apparel only as a sample for display for the purpose of effecting sales of goods represented by such sample.

(25) Sales of pollen.

(26) Sales to 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.

(27) The renting or leasing of motor vehicles and trailers to a nonresident of this state for use 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 for purposes of this exemption the term "nonresident" shall apply to a renter or lessee 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 renter's or lessee's place of business in another state.

(28) Sales of prescription drugs. The term "prescription drugs" shall include any medicine, drug, prescription lens, or other substance other than food for use in the diagnosis, cure, mitigation, treatment, or prevention of disease or other ailment [in humans ordered by the written direction of a dentist, physician, or other person duly authorized by law of this state or laws of another jurisdiction to issue such written order] *in humans ordered by (a) the written prescription to a pharmacist by a practitioner authorized by law of this state or laws of another jurisdiction to issue prescriptions, or (b) upon an oral prescription of such practitioner which is reduced promptly to writing and filed by a duly licensed pharmacist, or (c) by refilling any such written or oral prescription if such refilling is authorized by the prescriber either in the original prescription or by oral order which is reduced promptly to writing and filed by the pharmacist, or (d) physicians or optometrists by way of written directions and specifications for the preparation, grinding, and fabrication of lenses intended to aid or correct visual defects or anomalies of humans.*

(29) Sales of returnable containers for beverages and foods, including but not limited to soft drinks, milk, beer, and mixers.

(30) *Sales of insulin, prosthetic devices, and medically prescribed oxygen.*

Sec. 12. Section 82.12.030, chapter 15, Laws of 1961 as last amended by section 2, chapter 185, Laws of 1974 ex. sess. and RCW 82.12.030 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 RCW 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 the time of first use multiplied by the tax rate imposed by chapter 82.08 or 82.12 RCW 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 RCW;

(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 RCW: 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 RCW or chapter 82.12 RCW;

(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.

(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.

(23) In respect to the use of prescription drugs. The term "prescription drugs" shall include any medicine, drug, prescription lens, or other substance other than food for use in the diagnosis, cure, mitigation, treatment, or prevention of disease or other ailment [in humans ordered by the written direction of a dentist, physician, or other person duly authorized by law of this state or laws of another jurisdiction to issue such written order] *in humans ordered by (a) the written prescription to a pharmacist by a practitioner authorized by law of this state or laws of another jurisdiction to issue prescriptions, or (b) upon an oral prescription of such practitioner which is reduced promptly to writing and filed by a duly licensed pharmacist, or (c) by refilling any such written or oral prescription if such refilling is authorized by the prescriber either in the original prescription or by oral order which is reduced promptly to writing and filed by the pharmacist, or (d) physicians or optometrists by way of written directions and specifications for the preparation, grinding, and fabrication of lenses intended to aid or correct visual defects or anomalies of humans.*

(24) In respect to the use of returnable containers for beverages and foods, including but not limited to soft drinks, milk, beer, and mixers.

(25) *In respect to the use of insulin, prosthetic devices, and medically prescribed oxygen.*

Sec. 13. Section 84.36.020, chapter 15, Laws of 1961 as last amended by section 1, chapter 40, Laws of 1973 2nd ex. sess. and RCW 84.36.020 are each amended to read as follows:

The following property shall be exempt from taxation:

All lands, and buildings required for necessary administration and maintenance, used, or to the extent used, exclusively for public burying grounds or cemeteries without discrimination as to race, color, national origin or ancestry;

All churches and the ground, not exceeding five acres in area, upon which a church of any nonprofit recognized religious denomination is or shall be built, together with a parsonage [and], convent, and buildings and improvements required for the maintenance and safeguarding of such property. The area exempted shall in any case include all ground covered by the church, parsonage [and], convent, and buildings and improvements required for the maintenance and safeguarding of such property 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 church, parsonage, [and] convent, and buildings and improvements required for the maintenance and safeguarding of such property, shall not exceed the equivalent of one hundred twenty by one hundred twenty feet except where additional unoccupied land may be required to conform with state or local codes, zoning, or licensing requirements. The parsonage and convent need not be on land contiguous to the church property. To be exempt the property must be wholly used for church purposes: PROVIDED, That the loan or rental of property otherwise exempt under this paragraph to a nonprofit organization, association, or corporation, or school for use for an eleemosynary activity shall not nullify the exemption provided in this paragraph if the rental income, if any, is reasonable and is devoted solely to the operation and maintenance of the property.

NEW SECTION. Sec. 14. The real and personal property of the administrative offices of non-profit recognized religious organizations shall be exempt to the extent that the property is used for the administration of the religious programs of the organization and such other programs as would be exempt under RCW 84.36.020 and 84.36.030 as now or hereafter amended.

Sec. 15. Section 1, chapter 182, Laws of 1974 ex. sess. and RCW 84.36.381 are each amended to read as follows:

A person shall be exempt from any legal obligation to pay all or a portion of the amount of excess and regular real property taxes due and payable in the year following the year in which a claim is filed 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 was occupied by the person claiming the exemption as a principal place of residence as of January 1st of the year for which the claim is filed 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: **PROVIDED**, That any person who sells, transfers, or is displaced from his or her residence may transfer his or her exemption status to a replacement residence, but no claimant shall receive an exemption on more than one residence in any year [.] ;

(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 *or if the person claiming the exemption lives in a cooperative housing association, corporation, or partnership, such person must own a share therein representing the unit or portion of the structure in which he or she resides*. 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) 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
\$5,000 or less	One hundred percent
\$5,001—\$6,000	Fifty percent

PROVIDED, HOWEVER, That, in addition, any person, who otherwise qualifies under the provisions of this section, and is within the income range of four thousand dollars or less shall be exempt from any obligation to pay regular property taxes on up to five thousand dollars of valuation of his or her residence: **PROVIDED FURTHER**, That only two-thirds of any social security benefits, federal civil service retirement, or railroad retirement pension shall be considered as income for the purposes of this section: **AND PROVIDED FURTHER**, *That the gain realized by any person from the sale, transfer, or upon being displaced from his or her residence shall not be considered as income for the purposes of this section if reinvested in a replacement residence within eighteen months of its realization.*

Sec. 16. Section 2, chapter 182, Laws of 1974 ex. sess. and RCW 84.36.383 are each amended to read as follows:

As used in this chapter, except where the context clearly indicates a different meaning:

(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 such dwelling stands not to exceed one acre. *The term shall also include a share ownership in a cooperative housing association, corporation, or partnership if the person claiming exemption can establish that his or her share represents the specific unit or portion of such structure in which he or she resides.* 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 "real property" except for the purposes of chapters 84.56 and 84.60 RCW, shall also include a mobile home which has substantially lost its identity as a mobile unit by virtue of its being fixed in location upon land owned or leased by the owner of the mobile home and placed on a foundation (posts or blocks) with fixed pipe, connections with sewer, water, or other utilities.

(3) The term "preceding calendar year" shall mean the calendar year preceding the year in which the claim for exemption is to be made.

(4) "Department" shall mean the state department of revenue.

Sec. 17. Section 4, chapter 182, Laws of 1974 ex. sess. and RCW 84.36.387 are each amended to read as follows:

(1) 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 two witnesses or the county [treasurer] assessor or his deputy in the county where the real property is located: *PROVIDED, That if a claim for exemption is made by a person living in a cooperative housing association, corporation, or partnership, such claim shall be made and signed by the person entitled to the exemption and by the authorized agent of such cooperative.*

(2) If the taxpayer is unable to submit his own claim, the claim shall be submitted by a duly authorized agent or by a guardian or other person charged with the care of the person or property of such taxpayer.

(3) Any person signing a false claim with the intent to defraud or evade the payment of any tax shall be guilty of the offense of perjury.

(4) *The tax liability of a cooperative housing association, corporation, or partnership shall be reduced by the amount of tax exemption to which a claimant residing therein is entitled and such cooperative shall reduce any amount owed by the claimant to the cooperative by such exact amount of tax exemption or, if no amount be owed, the cooperative shall make payment to the claimant of such exact amount of exemption.*

Sec. 18. Section 8, chapter 169, Laws of 1974 ex. sess. and RCW 84.36.470 are each amended to read as follows:

[All animals, birds, or insects, and all agricultural crops.] *Any agricultural or horticultural produce or crop, including any animal, bird, or insect, or the milk, eggs, wool, fur, meat, honey, or other substance obtained therefrom grown or produced for sale by any person upon his own lands or upon lands in which he has a present right of possession who is exempted from payment of business and occupation tax pursuant to RCW 82.04.330 as now or hereafter amended shall be assessed for the purposes of ad valorem taxes according to the following schedule:*

Commencing with assessment as of January 1, 1975, for taxes due in 1976 the assessment level shall be seventy-five percent of true and fair value.

Commencing with assessment as of January 1, 1976, for taxes due in 1977 the assessment level shall be seventy percent of true and fair value.

Commencing with assessment as of January 1, 1977, for taxes due in 1978 the assessment level shall be sixty percent of true and fair value.

Commencing with assessment as of January 1, 1978, for taxes due in 1979 the assessment level shall be fifty percent of true and fair value.

Commencing with assessment as of January 1, 1979, for taxes due in 1980 the assessment level shall be forty percent of true and fair value.

Commencing with assessment as of January 1, 1980, for taxes due in 1981 the assessment level shall be thirty percent of true and fair value.

Commencing with assessment as of January 1, 1981, for taxes due in 1982 the assessment level shall be twenty percent of true and fair value.

Commencing with assessment as of January 1, 1982, for taxes due in 1983 the assessment level shall be ten percent of true and fair value.

Commencing with assessment as of January 1, 1983, for taxes due in 1984 such inventories shall be fully exempt under chapter 84.36 RCW.

Commencing with January 1, 1983, assessments for taxes due in 1984, taxpayers

shall not be required to report, or assessors to list, the inventories covered by this phase out exemption.

Nothing in this section shall be construed to remove or otherwise affect any exemption from assessment granted by RCW 84.44.060.

Sec. 19. Section 9, chapter 40, Laws of 1973 2nd ex. sess. and RCW 84.36.815 are each amended to read as follows:

In order to qualify [or requalify] for exempt status for real or personal property pursuant to the provisions of chapter 84.36 RCW, as now or hereafter amended, all foreign national governments, churches, cemeteries, nongovernmental nonprofit corporations, organizations, and associations, private schools or colleges, and soil and water conservation districts [must] *shall* file an [annual renewal] *initial* application [verifying the facts in the original claim] *on or before March 31* with the state department of revenue. All [application forms shall be signed by an authorized agent of the applicant. Such] applications [must] *shall* be filed on forms prescribed by the department [of revenue no later than March 31 of each year. The department of revenue may provide by rule that such applications may be available at and filed with each county assessor and forwarded to the department of revenue for review] *and shall be signed by an authorized agent of the applicant.*

In order to requalify for exempt status, such applicants except nonprofit cemeteries shall file a renewal application on or before March 31 of the fourth year following the date of such initial application and on or before March 31 of every fourth year thereafter. An applicant previously granted exemption shall annually file on forms prescribed by the department an affidavit certifying the exempt status of the real or personal property owned by the exempt organization: PROVIDED, That where an applicant previously granted exemption acquires or otherwise converts real property to exempt status, such applicant shall file a renewal application no later than sixty days following the conversion of such real property to exempt status. Failure to file a renewal application within sixty days of conversion of such real property to exempt status shall nullify the exemption otherwise available for such property in the year of such conversion.

Sec. 20. Section 11, chapter 40, Laws of 1973 2nd ex. sess. and RCW 84.36.825 are each amended to read as follows:

An application fee of thirty-five dollars for each [annual] *initial and renewal* application [for exemption] *shall be required and shall be* deposited within the general fund. Applications made for assessment year 1974 [will], *if approved, shall be* considered initial applications whether or not an exemption has previously been approved.

Sec. 21. Section 19, chapter 40, Laws of 1973 2nd ex. sess. and RCW 84.36.865 are each amended to read as follows:

The department of revenue of the state of Washington shall make such rules and regulations consistent with chapter 34.04 RCW and the provisions of this [1973 amendatory act] *chapter* as shall be necessary or desirable to permit its effective administration.

Sec. 22. Section 84.69.020, chapter 15, Laws of 1961 as last amended by section 2, chapter 122, Laws of 1974 ex. sess. and RCW 84.69.020 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 or pursuant to RCW 84.36.370 and 84.36.380] *RCW 84.36.381 through 84.36.389, as now or hereafter amended; or*

(8) 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 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 county board of equalization and ordered reduced by the board; or

(10) 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 under subsections (9) and (10) 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.

(11) Paid as a state property tax levied upon county assessed property, the assessed value of which has been established by the state board of tax appeals for the year of such levy: PROVIDED, HOWEVER, That the amount refunded shall only be for the difference between the state property tax paid and the amount of state property tax which would, when added to all other property taxes within the one percent limitation of Article VII, section 2 (Amendment 59) of the state Constitution equal one percent of the assessed value established by the board.

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 subsections (9), (10), and (11).

NEW SECTION. Sec. 23. There is added to chapter 15, Laws of 1961 and to chapter 84.36 RCW a new section to read as follows:

The following property shall be exempt from taxation: The real and personal property of a nonprofit fair association that sponsors or conducts a fair or fairs which receive support from revenues collected pursuant to RCW 67.16.100 and allocated by the director of the department of agriculture. The loan or rental of property otherwise exempt under this section to a nonprofit organization, association, or corporation, or municipal corporation shall not nullify the exemption provided in this section if the rental income, if any, is reasonable and is devoted solely to the operation and maintenance of the property. The loan or rental of property otherwise exempt under this section to a private concessionaire or to any person for use as a concession in conjunction with activities permitted under this section shall not nullify the exemption if the concession charges are subject to agreement and the rental income, if any, is reasonable and is devoted solely to the operation and maintenance of the property.

NEW SECTION. Sec. 24. There is added to chapter 15, Laws of 1961 and to chapter 84.36 RCW a new section to read as follows:

All property owned in fee or by contract purchase by any nonprofit corporation or association which is available without charge for research by, or for the training of, doctors, nurses, laboratory technicians, hospital administrators and staff or other hospital personnel, and which otherwise is used exclusively for medical research, the results of which will be available without cost to the public, shall be exempt from ad valorem taxation.

NEW SECTION. Sec. 25. The following acts or parts of acts are each hereby repealed:

(1) Section 1, chapter 191, Laws of 1939, section 1, chapter 163, Laws of 1943, section 6, chapter 47, Laws of 1970 ex. sess., section 78, chapter 195, Laws of 1973 1st ex. sess. section 4, chapter 4, Laws of 1973 2nd ex. sess., section 1, chapter (ESSB 2736), Laws of 1975 1st ex. sess. and RCW 70.12.010;

(2) Section 3, chapter 117, Laws of 1959, section 1, chapter 101, Laws of 1961, section 15, chapter 110, Laws of 1967 ex. sess., section 24, chapter 277, Laws of 1971 ex. sess., section 80, chapter 195, Laws of 1973 1st ex. sess. and RCW 70.32.090;

(3) Section 5, chapter 277, Laws of 1971 ex. sess. and RCW 70.35.010;

(4) Section 6, chapter 277, Laws of 1971 ex. sess. and RCW 70.35.020;

- (5) Section 7, chapter 277, Laws of 1971 ex. sess. and RCW 70.35.030;
- (6) Section 8, chapter 277, Laws of 1971 ex. sess., section 5, chapter 213, Laws of 1973 1st ex. sess. and RCW 70.35.040;
- (7) Section 9, chapter 277, Laws of 1971 ex. sess. and RCW 70.35.050;
- (8) Section 10, chapter 277, Laws of 1971 ex. sess. and RCW 70.35.060;
- (9) Section 11, chapter 277, Laws of 1971 ex. sess., section 1, chapter 143, Laws of 1972 ex. sess., section 82, chapter 195, Laws of 1973 1st ex. sess. and RCW 70.35.070;
- (10) Section 5, chapter 143, Laws of 1972 ex. sess. and RCW 70.35.075;
- (11) Section 12, chapter 277, Laws of 1971 ex. sess. and RCW 70.35.080;
- (12) Section 13, chapter 277, Laws of 1971 ex. sess. and RCW 70.35.090;
- (13) Section 14, chapter 277, Laws of 1971 ex. sess. and RCW 70.35.100;
- (14) Section 6, chapter 143, Laws of 1972 ex. sess. and RCW 70.35.110; and
- (15) Section 18, chapter 288, Laws of 1971 ex. sess. and RCW 84.10.010.

NEW SECTION. Sec. 26. Any moneys for such tuberculosis hospital district purposes not theretofore expended upon the effective date of section 25 of this 1975 amendatory act and not used in the decommissioning of the tuberculosis hospital facilities to be abolished as provided in section 25 of this 1975 amendatory act shall be distributed pro rata as between the counties of Okanogan, Chelan, Kittitas, Yakima, Benton, Walla Walla, Franklin, Grant, Douglas, Ferry, Lincoln, Adams, Columbia, Asotin, Garfield, Whitman, Spokane, Stevens and Pend Oreille, to be used by such counties for health purposes in such manner as they shall determine. The department of social and health services shall aid in the effective decommissioning of such tuberculosis hospital facilities to be so abolished by January 1, 1977 in such manner as the secretary thereof shall determine and as necessary to carry out the purposes of sections 25 and 26 of this 1975 amendatory act.

NEW SECTION. Sec. 27. Savings once deemed adequate for retirement living have been rendered inadequate by increased tax rates, increased property values, and the failure of pension systems to adequately reflect such factors. It is therefore deemed necessary that the legislature, in addition to that tax exemption as provided for in RCW 84.36.381 through 84.36.389 as now or hereafter amended, allow retired persons to defer payment of special assessments on their residences, and to defer their real property tax obligations on their residences, an amount of up to eighty percent of their equity in said property. This deferral program is intended to assist retired persons in maintaining their dignity and a reasonable standard of living by residing in their own homes, providing for their own needs, and managing their own affairs without requiring assistance from public welfare programs.

NEW SECTION. Sec. 28. Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in this chapter shall have the following meaning:

(1) "Claimant" means a retired person who elects to defer payment of the special assessments and/or real property taxes accrued on his residence by filing a declaration to defer as provided by this chapter.

When two individuals of a household file or seek to file a declaration to defer, they may determine between them as to who the claimant shall be.

(2) "Consumer price index" shall mean the consumer price index for urban wage earners and clerical workers as compiled by the bureau of labor statistics of the United States department of labor.

(3) "Department" means the state department of revenue.

(4) "Equity value" means the amount by which the fair market value of a residence as determined from the records of the county assessor exceeds the total amount of any liens or other obligations against the property.

(5) "Owned" includes possession under a contract of sale, deed of trust, or tenancy in common.

(6) "Special assessment" means the charge or obligation imposed by a city, town, county, or other municipal corporation upon property specially benefited by a local improvement.

(7) "Real property taxes" means ad valorem property taxes levied on a residence in this state in the preceding calendar year. If a residence is in an integral part of a larger unit such as a farm, or a multi-purpose or multi-dwelling building, real property taxes shall be that percentage of the total property taxes accrued as the value of the residence is of the total value of the unit. For purposes of this paragraph "unit" refers to the parcel of property covered by a single tax statement of which the residence is a part.

(8) "Preceding calendar year" shall mean the calendar year preceding the year in which the application for deferral of special assessment and/or real property taxes is made.

(9) 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 such dwelling stands not to exceed one acre per unit. 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 or its municipal corporations, and notwithstanding the provisions of RCW 84.04.080, 84.04.090, or 84.40.250, such a residence shall be deemed real property.

(10) The term "real property", except for the purposes of chapters 84.56 and 84.60 RCW, shall also include a mobile home which has substantially lost its identity as a mobile unit by virtue of its being fixed in location upon land owned or leased by the owner of the mobile home and placed on a foundation (posts or blocks) with fixed pipe, connections with sewer, water or other utilities.

NEW SECTION. Sec. 29. A retired person may elect to defer payment of special assessments and/or real property taxes on his residence up to eighty percent of the amount of his equity value in said property if the following conditions are met:

(1) The special assessments and/or property taxes must have been imposed upon a residence: (a) Which has been regularly occupied by the person claiming the deferral during the two calendar years preceding the year in which the deferral claim is filed; or (b) which was occupied by the person claiming the deferral as a principal place of residence as of January 1st of the year in which the claim is filed and the person claiming the deferral 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 claimant must have owned, at the time of filing, the residence on which the special assessment and/or real 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 claimant must have been sixty-two years of age or older on January 1st of the year in which the deferral claim is filed, or must have been, at the time of filing, retired from regular gainful employment by reason of physical disability.

(4) The claimant and/or his or her spouse must not have received income of the type referred to in RCW 84.36.381, as now or hereafter amended, during the preceding calendar year which exceeds the following amounts:

(a) For claims filed in 1976 — eight thousand dollars;

(b) For claims filed in subsequent years, an amount equal to the previous year's income limit adjusted by the percentage change in the consumer price index for the twelve month period ending September 31st of the previous year.

(5) The claimant must have and keep in force fire and casualty insurance in sufficient amount to protect the interest of the state in the claimant's equity value.

(6) In the case of special assessment deferral, claimant must have opted for payment of such special assessments on the installment method if such method was available.

NEW SECTION. Sec. 30. (1) Each claimant electing to defer payment of special assessments and/or real property tax obligations under this chapter shall file with the county assessor, on forms prescribed by the department and supplied by the assessor, a written declaration thereof. The declaration to defer special assessments and/or real property taxes for any year shall be filed prior to July 1st each year for deferral for the following year.

(2) The declaration shall designate the property to which the deferral applies, and

shall include a statement setting forth (a) a list of all members of the claimants' household, (b) the claimant's equity value in his residence, (c) facts establishing the eligibility for the deferral under the provisions of this chapter, and (d) any other relevant information required by the rules of the department. Each copy shall be signed by the claimant subject to the penalties as provided in chapter 9.72 RCW for the false swearing. The first declaration to defer filed in a county shall include proof of the claimant's age acceptable to the assessor.

(3) The county assessor shall determine if each claimant shall be granted a deferral for each year but the claimant shall have the right to appeal this determination to the county board of equalization whose decision shall be final as to the deferral of that year.

NEW SECTION. Sec. 31 (1)(a) Declarations to defer property taxes for all years following the first year may be made by filing with the county assessor on or before July 1st a renewal form in duplicate, prescribed by the department of revenue and supplied by the county assessor, which affirms the continued eligibility of the claimant.

(b) In January of each year, the county assessor shall send to each claimant who has been granted deferral of ad valorem taxes for the previous year renewal forms and notice to renew.

(2) Declarations to defer special assessments shall be made by filing with the assessor on or before July 1st of any year on a form to be prescribed by the department of revenue and supplied by the county assessor. Upon approval, the full amount of special assessments upon such claimant's residence shall be deferred for the following year but not to exceed an amount equal to eighty percent of the claimant's equity value in said property.

NEW SECTION. Sec. 32. If the claimant is unable to make his own declaration of deferral, it may be made by a duly authorized agent or by a guardian or other person charged with care of the person or property of such claimant.

NEW SECTION. Sec. 33. If the claimant declaring his intention to defer special assessments or real property tax obligations under this chapter ceases to reside permanently on the property for which the declaration to defer is made between the date of filing the declaration and December 15th of that year, the deferral otherwise allowable under this chapter shall not be allowed on such tax roll. However, this section shall not apply where the claimant dies, leaving a spouse surviving, who is also eligible for deferral of special assessment and/or property taxes.

NEW SECTION. Sec. 34. A person's right to defer special assessments and/or property tax obligations on his residence shall not be reduced by contract or agreement, from the effective date of this chapter onward.

NEW SECTION. Sec. 35. If any residence 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, said holder shall co-sign the declaration of deferral either before a notary public or the county assessor or his deputy in the county where the real property is located.

NEW SECTION. Sec. 36. Whenever a person's special assessment and/or real property tax obligation is deferred under the provisions of this chapter, it shall become a lien in favor of the state upon his property and shall have priority as provided in chapters 35.50 and 84.60 RCW: PROVIDED, That the interest of a mortgage or purchase contract holder who is required to co-sign a declaration of deferral under section 35 of this act, shall have priority to said deferred lien. This lien may accumulate up to eighty percent of the amount of the claimant's equity value in said property and shall bear interest each year at the rates prescribed for delinquent taxes in RCW 84.56.020 as now or hereafter amended per year until said obligation becomes due and payable under section 39 of this act.

NEW SECTION. Sec. 37. The county assessor shall:

(1) Transmit one copy of each declaration to defer to the department of revenue. The department may audit any declaration and shall, not later than August 31st, notify the assessor of any claim where any factor appears to disqualify the claimant for the deferral sought.

(2) Transmit one copy of each declaration to defer a special assessment to the local improvement district which imposed such assessment.

(3) After October 15th, compute the dollar tax rate for the county as if any deferrals provided by this chapter did not exist.

(4) On or before December 15th, notify the department of revenue and the county treasurer of the amount of real property taxes deferred for that year and notify the department of revenue and the respective treasurers of municipal corporations of the amount of special assessments deferred for each local improvement district within such unit.

NEW SECTION. Sec. 38. Upon receipt of the notification from the county assessor of the amount of deferred special assessments and/or real property taxes the department shall certify to the state treasurer the amount due the respective municipal corporations prior to the following February 15th and the state treasurer shall pay to the treasurers of such municipal corporations said amounts, equivalent to the amount of special assessments and/or real property taxes deferred, to be distributed to the local improvement or taxing districts which levied the taxes so deferred.

NEW SECTION. Sec. 39. Special assessments and/or real property tax obligations deferred under this chapter shall become payable together with interest as provided in section 36 of this amendatory act:

(1) Upon the sale of property which has a deferred special assessment and/or real property tax lien upon it.

(2) Upon the death of the claimant with an outstanding deferred special assessment and/or real property tax lien except a surviving spouse who is qualified under this chapter may elect to incur the special assessment and/or real property tax lien which shall then be payable by that spouse as provided in this section.

(3) Upon the condemnation of property with a deferred special assessment and/or real property tax lien upon it by a public or private body exercising eminent domain power, except as otherwise provided in RCW 84.60.070.

(4) At such time as the claimant ceases to reside permanently in the residence upon which the deferral has been granted.

(5) Upon the failure of any condition set forth in section 29(5) of this amendatory act.

NEW SECTION. Sec. 40. (1) The county treasurer shall collect all the amounts deferred together with interest under this chapter, in the manner provided for in chapter 84.56 RCW. For purposes of collection of deferred taxes, the provisions of chapters 84.56, 84.60, and 84.64 RCW shall be applicable.

(2) When any deferred special assessment and/or real property taxes together with interest are collected the moneys shall be credited to a special account in the county treasury. The county treasurer shall remit the amount of deferred special assessment and/or real property taxes together with interest to the state treasurer, with a remittance advice to the department within thirty days from the date of collection.

(3) The state treasurer shall deposit the deferred taxes in the state general fund.

NEW SECTION. Sec. 41. (1) A surviving spouse of the claimant may elect to continue the property in its deferred tax status if the property is the residence of the spouse of the claimant and the spouse meets the requirements of this chapter.

(2) The election under this section to continue the property in its deferred status by the spouse of the claimant shall be filed in the same manner as an original claim for deferral is filed under this chapter, not later than ninety days from the date of the claimant's death. Thereupon, the property with respect to which the deferral of special assessments and/or real property taxes is claimed shall continue to be treated as deferred property. When the property has been continued in its deferred status by the filing of the spouse of the claimant of an election under this section, the spouse of the claimant may continue the property in its deferred status in subsequent years by filing a claim under this chapter so long as the spouse meets the qualifications set out in this section.

NEW SECTION. Sec. 42. Any person may at any time pay a part or all of the deferred taxes but such payment shall not affect the deferred tax status of the property.

NEW SECTION. Sec. 43. Nothing in this chapter is intended to or shall be con-

strued to prevent the collection, by foreclosure, of personal property taxes which become a lien against tax-deferred property.

NEW SECTION. Sec. 44. The department of revenue of the state of Washington shall devise the forms and make rules and regulations consistent with chapter 34.04 RCW and the provisions of this chapter as shall be necessary or desirable to permit its effective administration.

NEW SECTION. Sec. 45. There is added to Title 84 RCW a new chapter to consist of sections 27 through 44 of this amendatory act.

NEW SECTION. Sec. 46. If any provision of this 1975 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 47. This 1975 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing institutions, and shall take effect immediately: PROVIDED, That sections 9 and 27 through 44 of this amendatory act shall be effective on and after January 1, 1976: PROVIDED FURTHER, That sections 2, 3, and 5, and subsections (1) and (2) of Section 25 shall be effective on and after January 1, 1977: AND PROVIDED FURTHER, That section 4 and subsections (3) through (15) of Section 25 shall be effective on and after January 1, 1978.

Signed by: Senators Odegaard, Lewis (Harry) and McDermott; Representatives Sommers, Erickson and Newhouse.

POINT OF ORDER

Senator Day: "I would like to raise scope and object on one of the sections here which expands the scope beyond the title. Sections 3, 4, and 5 are beyond the scope of the title of the bill. The title relates to revenue and taxation and section 3 has to do with standards and with appropriations. Section 4 has nothing to do with appropriations of any kind except that it does set out standards for control and prevention of TB, and section 5 again has to do with budgeting and appropriating, not revenue and taxation."

Debate ensued.

MOTION

On motion of Senator Day, the Senate was declared to be at ease.
President Pro Tempore Henry called the Senate to order.

MOTIONS

On motion of Senator Mardesich, the Senate resumed consideration of Senate Concurrent Resolution No. 117, on second reading providing for transmittal of bills between the houses.

On motion of Senator Mardesich, the rules were suspended, Senate Concurrent Resolution No. 117 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Mardesich yield to a question? Senator Mardesich, it says we are going to return them. It does not say what they are going to do with them."

Senator Mardesich: "I thought we would let the Secretary of the Senate sit out in the back room there with them in his arms."

Senator Rasmussen: "Does this mean"

Senator Mardesich: "They may be held in limbo before the various committees in which the measures resided at their last and highest stage. They may be in Rules, they may be in committees, but they are returned to the last and highest stage in which they were in the house of origin."

Senator Rasmussen: "The intent of this is to save money so that they would not be necessary to reintroduce?"

Senator Mardesich: "Right, to avoid the cost of reprinting and all that, and secondly, the possibility exists that there may be a question with respect to the veto messages which we have passed. That also is included in the resolution. Since we acted and the House did not, it would probably be necessary for us to act again when we return, with respect to those veto messages."

Senator Rasmussen: "Thank you, and thank you for the taxpayers' sake."

POINT OF INQUIRY

Senator Washington: "Would it, under this resolution, if there are, say, bills in Rules that might be further amended if returned to the committee, this would not preclude the Rules Committee from returning the bills back to the standing committee? And your answer is?"

Senator Mardesich: "Correct, Mr. President. As a matter of fact, along with some of the study resolutions we would probably return bills."

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

MOTIONS

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

On motion of Senator Mardesich, Senate Resolution 1975-153, regarding adult education programs review study, was referred to the Committee on Rules.

On motion of Senator Mardesich, the Senate returned to the fourth order of business.

MOTION

On motion of Senator Mardesich, the Senate resumed consideration of Engrossed Substitute Senate Bill No. 2736, the Conference Committee report and the Point of Order raised by Senator Day.

There being no objection, the Point of Order raised by Senator Day was withdrawn.

POINT OF ORDER

Senator Day: "I withdraw my point of order, but I would raise another point of order that the addendum to this Free Conference report on Substitute Senate Bill No. 2736 has not been on our desks for either thirty-six or twenty-four hours."

Debate ensued.

INTERIM COMMITTEE APPOINTMENTS STATUTORY AND SELECT

AMERICAN REVOLUTION BICENTENNIAL COMMITTEE (under provisions of RCW 43.125.010): Senators Pullen and Washington; Senator Beck, Liaison.

ARTS COMMISSION, WASHINGTON STATE (under provisions of RCW 43.46.020): Senator McDermott.

CRIME (ORGANIZED) INTELLIGENCE ADVISORY BOARD (under provisions of RCW 43.43.858): Senators Francis, Lewis (Harry), Matson and Sandison.

EDUCATION COMMISSION OF THE STATES (under provisions of RCW 28A.92.020): Senator Sandison.

EDUCATIONAL STUDY COORDINATING COMMITTEE (under provisions of SFR 1975-141): Senators Donohue, Gould, Jones, Newschwander, Odegard, Ridder, Stortini and Wanamaker.

GAMBLING COMMISSION, WASHINGTON STATE (under provisions of RCW 9.46.040): Senators Keefe and Wanamaker.

LEGISLATIVE BUDGET COMMITTEE, STATE (under provisions of RCW² 44.28.010): Senators Clarke, Donohue, Lewis (Harry), Marsh, Newschwander, Odegaard, Scott and Woody.

LEGISLATIVE ETHICS, BOARD OF (under provisions of RCW 44.60.020): Senators Bailey, Goltz, Newschwander and Sellar.

LEGISLATIVE TRANSPORTATION COMMITTEE (under provisions of RCW 44.40.010): Senators Beck, Bottiger, Guess, Henry, Jolly, Knoblauch, Lewis (R. H. "Bob"), Peterson, Sellar, Walgren and Wanamaker.

MUNICIPAL RESEARCH COUNCIL (under provisions of RCW 43.110.010-RCW 82.44.160, Chapter 218, Laws of 1975 EX): Senators Fleming, Lewis (R. H. "Bob"), North and Walgren.

NUCLEAR ENERGY, JOINT COMMITTEE ON (under provisions of RCW 44.39.015): Senators Benitz, Jolly, Morrison and Van Hollebeke.

OCEANOGRAPHIC COMMISSION OF WASHINGTON (under provisions of RCW 43.94.020): Senators Murray, Rasmussen and Talley.

SENATE FACILITIES AND OPERATIONS (under provisions of SFR 1975-154): Senators Bailey, Lewis (Harry), Mardesich, Matson, Newschwander, Sandison and Walgren. Sidney R. Snyder, Secretary of the Senate, Ex Officio; Secretary.

TRADE FAIRS, ADVISORY COUNCIL ON INTERNATIONAL (under provisions of RCW 43.31 — SHB 591): Senators Cunningham and Donohue.

WASHINGTON/BRITISH COLUMBIA GOVERNMENTAL COOPERATION, JOINT COMMITTEE ON (under provisions of SCR 101): Senators Bluechel, Clarke, Mardesich, Van Hollebeke and Wilson. Lieutenant Governor Cherberg, Ex Officio.

MOTION

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

MOTION

On motion of Senator Mardesich, the Senate resumed consideration of Engrossed Substitute Senate Bill No. 2736, the Conference Committee report and the Point of Order raised by Senator Day.

There being no objection, the Point of Order by Senator Day was withdrawn.

The President declared the question before the Senate to be adoption of the report of the Conference Committee and the granting of the powers of Free Conference.

On motion of Senator Mardesich, the report was adopted and the Conference Committee was granted the powers of Free Conference.

MOTION

On motion of Senator Mardesich, the Senate returned to the fifth order of business.

INTRODUCTION AND FIRST READING

SENATE CONCURRENT RESOLUTION NO. 119, by Senator Odegaard:
Relating to suspension of Rules for Engrossed Substitute Senate Bill No. 2736.

MOTIONS

On motion of Senator Mardesich, the rules were suspended, Senate Concurrent Resolution No. 119 was advanced to second reading and read the second time in full.

On motion of Senator Mardesich, the rules were suspended, Senate Concurrent Resolution No. 119 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

President Pro Tempore Henry declared the Senate to be at ease at 4:45 p.m.
President Pro Tempore Henry called the Senate to order at 5:15 p.m.
There being no objection, the Senate returned to the fourth order of business.

MESSAGES FROM THE HOUSE

June 9, 1975.

Mr. President: The House has adopted SENATE CONCURRENT RESOLUTION NO. 119, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

June 9, 1975.

Mr. President: The House has adopted SENATE CONCURRENT RESOLUTION NO. 117, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

June 9, 1975.

Mr. President: The Speaker has signed:
SUBSTITUTE HOUSE BILL NO. 40,
SUBSTITUTE HOUSE BILL NO. 413,
SECOND SUBSTITUTE HOUSE BILL NO. 827, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:
SENATE CONCURRENT RESOLUTION NO. 117,
SENATE CONCURRENT RESOLUTION NO. 119.

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE HOUSE BILL NO. 40,
SUBSTITUTE HOUSE BILL NO. 413,
SECOND SUBSTITUTE HOUSE BILL NO. 827,
SUBSTITUTE HOUSE BILL NO. 972.

SIGNED BY THE PRESIDENT

The President signed:
SENATE BILL NO. 2046,
SENATE BILL NO. 2346.

MOTION

On motion of Senator Lewis (R. H. "Bob"), Senator Pullen was excused.

MESSAGES FROM THE HOUSE

June 9, 1975.

Mr. President: The Speaker has signed:
SENATE BILL NO. 2046,
SENATE BILL NO. 2346,
SENATE CONCURRENT RESOLUTION NO. 117,
SENATE CONCURRENT RESOLUTION NO. 119, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MESSAGE FROM THE HOUSE

June 9, 1975.

Mr. President: The House has adopted the report of the Free Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 2736, and has passed the bill as amended by the Free Conference Committee, and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

REPORT OF FREE CONFERENCE COMMITTEE

June 7, 1975.

Mr. Speaker:

Mr. President:

We, of your Free Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 2736, making certain corrections and adjustments in the tax laws, have had the same under consideration, and recommend that the bill be amended as recommended by the Conference Committee.

Signed by: Senators Odegaard, Lewis (Harry) and McDermott; Representatives Sommers, Erickson and Newhouse.

MOTION

On motion of Senator Odegaard, the report of the Free Conference Committee on Engrossed Substitute Senate Bill No. 2736 was adopted.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2736, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 32; nays, 7; absent or not voting, 5; excused, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Donohue, Goltz, Gould, Henry, Jones, Knoblauch, Lewis (Harry), Mardesich, Marsh, Matson, Morrison, Murray, Newschwander, Odegaard, Peterson, Rasmussen, Sandison, Stortini, Talley, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—32.

Voting nay: Senators Day, Francis, Guess, Lewis (R. H. "Bob"), Ridder, Sellar, Van Hollebeke—7.

Absent or not voting: Senators Bottiger, Fleming, Grant, Jolly, Scott—5.

Excused: Senators Herr, Keefe, McDermott, North, Pullen—5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2736, 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:

SUBSTITUTE SENATE BILL NO. 2736.

MOTION

On motion of Senator Mardesich, the Senate returned to the first order of business.

REPORT OF STANDING COMMITTEE

June 7, 1975.

HOUSE BILL NO. 683, providing new regulations for banks and banking relating to illegal or unsound practices (reported by Committee on Financial Institutions):

Recommendation: Do pass as amended.

Signed by: Senators Woody, Chairman; Bluechel, Clarke, Herr, Jones, Mardesich, Walgren.

Passed to Committee on Rules for second reading.

MOTIONS

On motion of Senator Mardesich, Senate Bill No. 2772 was referred to the Committee on Rules.

On motion of Senator Mardesich, Senate Resolution 1975-69, regarding industrial welfare, equal rights study, was referred to the Committee on Rules.

MOTIONS

On motion of Senator Mardesich, the Senate commenced consideration of Senate Resolution 1975-154.

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

SENATE RESOLUTION 1975-154

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

WHEREAS, The Extraordinary Session of the Forty-fourth 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 Extraordinary Session of the Forty-fourth Legislature and the convening of the next session:

NOW, THEREFORE, BE IT RESOLVED, That the Senate Facilities and Operations Committee that existed under Senate Resolution 1973-33 is hereby re-established with the authority therein granted, and that the President shall appoint the members prior to adjournment sine die; and

BE IT FURTHER RESOLVED, That the Committee shall be expanded to include seven members of the Senate, and that the Secretary of the Senate be named the Ex Officio Secretary of the Committee; and

BE IT FURTHER RESOLVED, That the Facilities and Operations Committee shall have full authority and direction over the authorization and execution of any personal services contracts or subcontracts that necessitate the expenditure of Senate appropriations; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate and the Senate Operations Committee be, and they hereby are, authorized to retain such employees as they may deem necessary and that said employees be allowed such rate of pay therefor as the Secretary of the Senate and the Senate Operations Committee shall deem proper; 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, or the president pro tempore, the necessary vouchers upon which warrants for legislative expenses and expenditures shall be drawn from funds provided therefor; 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 Forty-fourth legislative session 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 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 Forty-fourth legislature of the state of Washington, and which are presented for payment after ad-

journalment of the Forty-fourth Regular and First Extraordinary Sessions of the 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 State Treasurer be, and he hereby is, directed to draw his warrants for the payment of salaries, per diem, in lieu of payments, and reimbursements of and to the members of the Senate, the elected officers of the Senate, and the 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 the Secretary of the Senate be, and he hereby is, authorized and directed to have a copy of the Senate Journal of the Forty-fourth Regular and First Extraordinary Session of the Legislature, together with a suitable index therefor, prepared by the State Printer; and

BE IT FURTHER RESOLVED, That the President Pro Tempore of the Senate, the Vice President Pro Tempore of the Senate, the Senate majority floor leader, the Senate minority floor leader, the Assistant Senate minority floor leaders, the majority and minority whips, and majority and minority caucus chairmen and caucus vice chairman and secretaries, the chairman of the Senate Facilities and Operations Committee, are each authorized to attend the annual meetings of the National Legislative Conference, and to receive therefor their actual necessary expenses, and such per diem as may be authorized by law, to be paid upon their vouchers out of funds appropriated for legislative expenses; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be, and he hereby is, 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 expenses, to be paid on his voucher out of funds appropriated for legislative expenses; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate collect the keys to desks and rooms in and surrounding the Senate Chamber, committee rooms, work rooms, lounges, distribution center, bill room, storage rooms and the Sergeant at Arms office, 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; the fourth floor of the public lands building, and the first floor of the institutions building 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 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

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 such use of the chamber rooms for a Y.M.C.A. Youth Legislature and the Governor's Safety Conference is permitted upon such terms as the Secretary shall deem proper.

MOTION

On motion of Senator Mardesich, the Senate returned to the fifth order of business.

INTRODUCTION AND FIRST READING

SENATE CONCURRENT RESOLUTION NO. 118, by Senators Bailey, Mardesich, Matson and Lewis (Harry):

Notifying the Governor the legislature is ready to adjourn SINE DIE.

MOTIONS

On motion of Senator Mardesich, the rules were suspended, Senate Concurrent Resolution No. 118 was advanced to second reading and read the second time in full.

On motion of Senator Mardesich, the rules were suspended, Senate Concurrent Resolution No. 119 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

MOTIONS

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

MOTION

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

SENATE RESOLUTION 1975-155

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

BE IT RESOLVED, That a committee of three members of the Senate is appointed to notify the House that the Senate is ready to adjourn SINE DIE.

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

MESSAGE FROM THE HOUSE

June 9, 1975.

Mr. President: The House has adopted SENATE CONCURRENT RESOLUTION NO. 118, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

REMARKS BY SENATOR DAY

Senator Day: "Mr. President and ladies and gentlemen of the Senate, I think that all of us should stand and give a round of applause and thanks to the majority floor leader that has not only done a fantastic job this session of saving the people money and keeping his mind on what is good for the citizens but worked, I am certain, at least sixteen hours a day in a masterful fashion that only a man of his caliber could do so that we could accomplish a great deal towards solving some of the biggest problems this state has ever seen. I thought I would ask that you join with me in giving him a round of applause."

REMARKS BY SENATOR MARDESICH

Senator Mardesich: "Mr. President, fellow Senators, I wish to thank you all. It would have been absolutely impossible without the cooperation of all, and I want to make one corrective comment. The sixteen hours a day did include that time at the Tye and the watering holes around."

REMARKS BY SENATOR BLUECHEL

Senator Bluechel: "Mr. President, I would like to call upon the valedictorian of the 1975 freshman class to say a few words, Senator Goltz."

REMARKS BY SENATOR GOLTZ

Senator Goltz: "Mr. President and members of the Senate, the freshman class of this legislature has already had its commencement exercises, but today is really our graduation day. Some of us have brought our caps along and we were all in the nursery and some of them referred to that as Senate Office Building No. 2 and that is what the letters on this cap stand for. I do not want wise cracks out of anybody here in the back row, but I am sure that those of us who came here last January as freshmen in this body, timid as we were, have become humble, and I want to really thank the leadership and the

staff and everyone here who has made it easy for us to become a part of this body and to make what I hope has been a contribution to it, and we thank you all on behalf of all of us from the class of 19 — whatever this is."

SIGNED BY THE PRESIDENT

The President signed:

SENATE CONCURRENT RESOLUTION NO. 118.

MESSAGE FROM THE HOUSE

June 9, 1975.

Mr. President: The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 2736,

SENATE CONCURRENT RESOLUTION NO. 118, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Mardesich, all Governor's veto and partial veto messages on the Secretary's desk were referred to the Committee on Rules.

REMARKS BY SENATOR GUESS

Senator Guess: "I was just talking with the Secretary to determine if we were not going down in history as the first time since Governor Cherberg has been the presiding officer of the Senate that he is not in control of the gavel of the sine die operation. I do not remember it. I just thought I would make note of that.

"I was just wondering if perhaps all of the gallery realized that the reason that the President Pro Tempore was presiding was because the Governor was out of state and Lieutenant Governor Cherberg is the presiding Governor."

MOTION

On motion of Senator Mardesich, the Senate returned to the fourth order of business.

MESSAGES FROM THE HOUSE

June 9, 1975.

Mr. President: Under the provisions of SENATE CONCURRENT RESOLUTION NO. 117, the House herewith returns the following Senate Bills:

ENGROSSED SUBSTITUTE SENATE BILL NO. 2007,

ENGROSSED SENATE BILL NO. 2020,

ENGROSSED SUBSTITUTE SENATE BILL NO. 2036,

ENGROSSED SENATE BILL NO. 2044,

ENGROSSED THIRD SUBSTITUTE SENATE BILL NO. 2048,

ENGROSSED SUBSTITUTE SENATE BILL NO. 2059,

ENGROSSED SENATE BILL NO. 2065,

ENGROSSED SENATE BILL NO. 2072,

ENGROSSED SENATE BILL NO. 2083,

ENGROSSED SUBSTITUTE SENATE BILL NO. 2088,

SUBSTITUTE SENATE BILL NO. 2093,

ENGROSSED SENATE BILL NO. 2101,

SENATE BILL NO. 2111,

ENGROSSED SUBSTITUTE SENATE BILL NO. 2130,

SUBSTITUTE SENATE BILL NO. 2137,

SUBSTITUTE SENATE BILL NO. 2142,

ENGROSSED SENATE BILL NO. 2173,
ENGROSSED SENATE BILL NO. 2181,
SENATE BILL NO. 2190,
ENGROSSED SUBSTITUTE SENATE BILL NO. 2191,
SENATE BILL NO. 2206,
SENATE BILL NO. 2208,
ENGROSSED SENATE BILL NO. 2230,
SUBSTITUTE SENATE BILL NO. 2243,
ENGROSSED SUBSTITUTE SENATE BILL NO. 2244,
ENGROSSED SENATE BILL NO. 2256,
SENATE BILL NO. 2285,
ENGROSSED SENATE BILL NO. 2290,
ENGROSSED SENATE BILL NO. 2314,
ENGROSSED SENATE BILL NO. 2329,
SENATE BILL NO. 2336,
SENATE BILL NO. 2342,
ENGROSSED SENATE BILL NO. 2343,
ENGROSSED SENATE BILL NO. 2359,
ENGROSSED SENATE BILL NO. 2367,
SENATE BILL NO. 2375,
ENGROSSED SUBSTITUTE SENATE BILL NO. 2376,
SUBSTITUTE SENATE BILL NO. 2394,
ENGROSSED SENATE BILL NO. 2398,
SENATE BILL NO. 2417,
SECOND REENGROSSED SUBSTITUTE SENATE BILL NO. 2424,
SUBSTITUTE SENATE BILL NO. 2427,
SENATE BILL NO. 2440,
ENGROSSED SUBSTITUTE SENATE BILL NO. 2442,
SENATE BILL NO. 2452,
ENGROSSED SUBSTITUTE SENATE BILL NO. 2491,
SUBSTITUTE SENATE BILL NO. 2495, and the same are herewith transmitted.
DEAN R. FOSTER, Chief Clerk.

June 9, 1975.

Mr. President: Under the provisions of SENATE CONCURRENT RESOLUTION NO. 117, the House herewith returns the following Senate Bills:

ENGROSSED SENATE BILL NO. 2499,
ENGROSSED SUBSTITUTE SENATE BILL NO. 2535,
ENGROSSED SUBSTITUTE SENATE BILL NO. 2560,
ENGROSSED SENATE BILL NO. 2563,
ENGROSSED SUBSTITUTE SENATE BILL NO. 2618,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 2628,
ENGROSSED SENATE BILL NO. 2660,
SUBSTITUTE SENATE BILL NO. 2673,
SUBSTITUTE SENATE BILL NO. 2689,
ENGROSSED SENATE BILL NO. 2718,
ENGROSSED SENATE BILL NO. 2723,
SUBSTITUTE SENATE BILL NO. 2724,
SUBSTITUTE SENATE BILL NO. 2730,
REENGROSSED SENATE BILL NO. 2731,
ENGROSSED SUBSTITUTE SENATE BILL NO. 2734,
ENGROSSED SUBSTITUTE SENATE BILL NO. 2765,
ENGROSSED SUBSTITUTE SENATE BILL NO. 2795,
ENGROSSED SENATE BILL NO. 2829,
SENATE BILL NO. 2882,
ENGROSSED SUBSTITUTE SENATE BILL NO. 2908,
SUBSTITUTE SENATE BILL NO. 2938,

ENGROSSED SENATE BILL NO. 2939,
SENATE BILL NO. 2956,
ENGROSSED SENATE JOINT MEMORIAL NO. 104,
ENGROSSED SENATE JOINT MEMORIAL NO. 106,
SENATE JOINT MEMORIAL NO. 111,
SENATE JOINT RESOLUTION NO. 110,
ENGROSSED SUBSTITUTE SENATE JOINT RESOLUTION NO. 129,
SENATE CONCURRENT RESOLUTION NO. 102,
SENATE CONCURRENT RESOLUTION NO. 103,
ENGROSSED SUBSTITUTE SENATE CONCURRENT RESOLUTION NO.
104,
SENATE CONCURRENT RESOLUTION NO. 114,
ENGROSSED SUBSTITUTE SENATE BILL NO. 2263,
ENGROSSED SENATE BILL NO. 2410,
SUBSTITUTE SENATE JOINT RESOLUTION NO. 131, and the same are here-
with transmitted.

DEAN R. FOSTER, Chief Clerk.

APPOINTMENT OF SPECIAL COMMITTEE

Under the provisions of Senate Concurrent Resolution No. 118, President Pro Tempore Henry appointed Senators Buffington, Van Hollebeke and Fleming as a committee of three from the Senate to join a like committee from the House of Representatives, to notify the Acting Governor John A. Cherberg, that the Legislature was about to adjourn SINE DIE.

MOTION

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

APPOINTMENT OF SPECIAL COMMITTEE

Under the provisions of Senate Resolution 1975-155, President Pro Tempore Henry appointed Senators Benitz, Beck and Ridder to notify the House that the Senate is ready to adjourn SINE DIE.

COMMITTEE FROM THE HOUSE NOTIFYING SENATE OF ADJOURNMENT SINE DIE

The Sergeant at Arms announced the arrival of the committee from the House of Representatives. The committee, comprised of Representatives Cochrane, Lee and Becker appeared before the bar of the Senate to notify the Senate that the House of Representatives was about to adjourn SINE DIE.

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

REPORT OF SPECIAL COMMITTEE APPOINTED TO NOTIFY HOUSE OF REPRESENTATIVES OF ADJOURNMENT SINE DIE

The Senate members of the special committee appointed under the provisions of Senate Resolution 1975-155 comprised of Senators Benitz, Beck and Ridder to notify the House of Representatives that the Senate was ready to adjourn SINE DIE reported that the House of Representatives had been notified.

The report was received and the committee was discharged.

REPORT OF SPECIAL COMMITTEE APPOINTED TO NOTIFY THE ACTING GOVERNOR OF ADJOURNMENT SINE DIE

The Senate members of the special committee appointed under provisions of Senate Concurrent Resolution No. 118, composed of Senators Buffington, Van Holle-

beke and Fleming to notify the Acting Governor, together with a like committee from the House of Representatives, that the Legislature was about to adjourn SINE DIE appeared before the bar of the Senate, together with the Acting Governor John A. Cherberg and report that the Acting Governor had been notified.

REMARKS BY LIEUTENANT GOVERNOR CHERBERG

Lieutenant Governor Cherberg: "If you will permit, this is the first time I have ever had the opportunity to speak from the floor, and if you do not mind just one minute to express my appreciation to my staff, Mary Lou, Mary Kay and John Crowley; my deepest gratitude to you for the wonderful job you have done in helping me especially; and to Sid Snyder and his wonderful staff, which is incomparable; to Harry Nelson and his gang; to Tom Stone and his; and to everyone that has had a part in this most historic session in the history of the state; and especially a word of congratulations to both the Republican and the Democratic Caucus in the manner in which they have cooperated with each other and the spirit which they have shown. Congratulations to August Mardesich and to the Republican leadership and my thanks, both Betty's and mine, to all the members of the Senate, theirs wives, who also serve."

The report was received and the committee was discharged.

MOTIONS

On motion of Senator Mardesich, the Senate Journal of the Eighty-eighth Day, Forty-fourth Legislature, First Extraordinary Session, was approved.

At 5:58 p.m., on motion of Senator Mardesich, the Senate of the Forty-fourth 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

1975

FORTY-FOURTH LEGISLATURE REGULAR AND FIRST EXTRAORDINARY SESSIONS

Office of the Governor, June 4, 1975.

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

LADIES AND GENTLEMEN:

I am returning herewith without my approval SUBSTITUTE SENATE BILL NO. 2006 entitled:

"An Act relating to state government; creating the department of veterans affairs."

This bill removes from the Department of Social and Health Services all functions related to veterans affairs and transfers the same to a new and separate Department of Veterans Affairs. The major problem cited by proponents of the bill was dissatisfaction with the performance of the Department of Social and Health Services. I submit that the solution to the problem, assuming the complaints are valid, is to conduct a performance audit of the veterans programs within the department rather than to set up a new agency which would be staffed by essentially the same personnel now working on those programs in the department.

There are at this time a number of state agencies which serve a variety of different interests within each agency. I see no more reason for the creation of a Department of Veterans Affairs than I do the separation of functions from other agencies and creating new departments to serve each such function. If anything, the proliferation of such special purpose agencies would diminish the amount of attention each agency would receive from the Governor, the Legislature, and other state elected officials.

I find it also hard to understand how, with its present concern over the rising costs of state government, the Legislature can justify the creation of a new department with a fiscal impact of approximately \$300,000, particularly when the services to be undertaken by such new department are being performed at the present by an existing department. The reasons stated simply do not warrant the additional expenditures.

For the foregoing reasons, I have determined to veto Substitute Senate Bill No. 2006.

Respectfully submitted,
DANIEL J. EVANS
Governor.

Office of the Governor, February 25, 1975.

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

LADIES AND GENTLEMEN:

I am returning herewith without my approval ENGROSSED SENATE BILL NO. 2011 entitled:

"An Act relating to school holidays."

This bill requires that public schools observe as holidays Memorial Day on the 30th day of May and Veterans' Day on the 11th day of November. The change would conform these two school holidays with those observed by the state employees, which are already at variance with the federal holidays by reason of Chapter 1, Laws of Washington 1973, 2nd Ex. Sess. passed by the Legislature over my veto.

The 1973 enactment resulted in enormous confusion and disruption both because of the uncertainty by the public over which holiday applied and because federal offices, schools, and private firms closed on one day while state and local offices and some private firms closed on another day. Notwithstanding this bill, which would remove some of the confusion as to school holidays, a great deal of confusion would still exist because federal offices and the great majority of private firms would close for these holidays on different days. In addition, there would be four days out of the year when federal and private offices would be unable to conduct business with state and local offices. This disruption is wholly unwarranted.

The fact that a holiday is celebrated on a different day than has traditionally been the case does not detract from the meaning of that holiday in the minds of the people. Such is the case with three other major holidays: Thanksgiving Day, Labor Day, and the anniversary of the birth of George Washington. One possible exception would be November 11, which is recognized both as Veterans' Day and the date of admission of our state into the union, and as such has a unique significance which might warrant nonconformity with the federal holiday. In all other cases, I believe the overriding consideration should be conformity between state and federal holidays to prevent frustration and disruption, both to employers and employees.

For these reasons, I have determined to veto Engrossed Senate Bill No. 2011.

Respectfully submitted,
DANIEL J. EVANS
Governor.

Office of the Governor, April 14, 1975.

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

LADIES AND GENTLEMEN:

I am returning herewith without my approval as to one section SENATE BILL NO. 2021 entitled:

"An Act relating to local government."

This bill allows cities, towns, and counties to set fees at variance with those prescribed in the state building code entered in 1974.

Section 2 declares an emergency and provides for the act to take effect immediately. I have on several occasions in past sessions, including the recently adjourned regular session of the Forty-fourth Legislature, vetoed emergency clauses from bills that did not measure up to the standard of urgency contained in Article II, section 1(b) of our Constitution. I must again raise the same objection in the case of this bill.

I am increasingly apprehensive that repeated use on unwarranted occasions will render emergency clauses meaningless in the eyes of both the people and the courts.

With the exception of section 2 which I have vetoed, the remainder of Senate Bill No. 2021 is approved.

Respectfully submitted,
DANIEL J. EVANS
Governor.

Office of the Governor, April 5, 1975.

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

LADIES AND GENTLEMEN:

I am returning herewith without my approval as to one section SENATE BILL NO. 2082 entitled:

"An Act relating to fire districts."

Section 2 of the bill mandates a fire district to set charges which would cover all costs of providing ambulance services. There is no question but that fire district commissioners should have the authority to set charges for such services in amounts as they deem appropriate. I believe, however, that such action should be taken at the discretion of the locally elected fire commissioners rather than being mandated by the legislature.

In addition, I am advised that there are districts which have acquired first aid vehicles from funds donated by their communities. On those occasions of clear emergency when the district's vehicle must transport a person to a hospital without waiting for a private ambulance operating in the area, the district would be required to charge what would effectively be a private ambulance rate to a person who may have donated funds toward purchase of the vehicle in the first place. This type of situation can easily be avoided by the use of permissive, rather than mandatory language in the legislation.

With the exception of section 2, which I have vetoed for the reasons herein stated, the remainder of Senate Bill No. 2082 is approved.

Respectfully submitted,
DANIEL J. EVANS
Governor.

Office of the Governor, May 31, 1975.

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

LADIES AND GENTLEMEN:

I am returning herewith without my approval as to one section SUBSTITUTE SENATE BILL NO. 2123 entitled:

"An Act relating to warrants of municipal corporations."

Section 2 of the bill declares an emergency and provides for the act to take effect immediately. The bill does not measure up to the standard of urgency contained in Article II, section 1(b) of our Constitution. As I have already done on several recent occasions, I am compelled to veto the emergency clause in this bill because it is unwarranted.

With the exception of section 2, the remainder of Substitute Senate Bill No. 2123 is approved.

Respectfully submitted,
DANIEL J. EVANS
Governor.

Office of the Governor, April 11, 1975.

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

LADIES AND GENTLEMEN:

I am returning herewith without my approval as to one section ENGROSSED SUBSTITUTE SENATE BILL NO. 2150 entitled:

"An Act relating to agriculture."

The bill makes a number of changes of a housekeeping nature to various sections in the Revised Code of Washington relating to agriculture.

Section 42 sets an effective date for the act of July 1, 1975. Without such a designated date, the act would go into effect ninety days after the adjournment of the present extraordinary session of the Legislature. Since the Legislature has not adjourned, the effect of the July 1, 1975 date is to cut short the ninety-day period during which the people have the right pursuant to Article II, section 1(d) of our Constitution, to subject the measure to referendum. I have serious reservations about the constitutionality of an effective date of this kind, inasmuch as the Constitution provides that an act shall not be subject to referendum if it is necessary for the "immediate preservation of the public peace, health or safety, support of the state government and its existing public institu-

tions." See Article II, section 1(b). This bill does not measure up to that standard of urgency.

With the exception of section 42, which I have vetoed for the foregoing reasons, the remainder of the bill is approved.

Respectfully submitted,
DANIEL J. EVANS
Governor.

Office of the Governor, June 7, 1975.

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

LADIES AND GENTLEMEN:

I am returning herewith without my approval SUBSTITUTE SENATE BILL NO. 2159 entitled:

"An Act relating to motor vehicle fuel taxes."

This bill changes the present rate of tax on motor vehicle fuels and provides for a variable tax based on revenue needed to meet legislatively approved appropriations for highway expenditures. It is anticipated that implementation of the bill will have the immediate effect of raising the gas tax from the present nine cents per gallon to approximately 11.5 cents per gallon.

The concept of a variable gas tax is unquestionably an imaginative revenue producing scheme designed to offset fluctuations in consumption of gasoline that could otherwise disrupt the best laid plans. As presently conceived, however, and set forth in this bill, the scheme runs counter to what I believe to be a fair and proper system of taxation. Simply stated, the variable gas tax sidesteps basic policy determination by changing the rate of tax to fit a desired level of expenditure. If this concept were applied to the general fund, there is little question but that general taxes would continually be increased to meet the pressures for additional expenditures. Our present system of taxation requires an exhaustive review of priority needs and balancing circumstances before the difficult decision is made to increase taxes; the variable gas tax would circumvent this essential process.

Perhaps just as alarming a consequence is the inevitable result that the variable gas tax would constitute a tax on conservation during a time in our nation's history when we have finally realized that our resources cannot be indiscriminately exploited. Conservation results in reduced demand which in turn brings about decreased revenues. Under a variable gas tax, the rate of tax would be increased to sustain a predetermined level of expenditure. The cause and effect cycle is not likely to end there, since higher gasoline prices will likely produce even lesser demand. Our citizens would be faced with the absurd prospect of paying increased taxes even while they practiced conservation and curbed the consumption of gasoline.

Additionally, I must express a strong feeling of disappointment over a Legislature that purported to oppose increased taxes and yet approved an open-ended increase in the gas tax. For the sake of the automobile, higher taxes are voted to fund millions of dollars worth of construction of new highways and related facilities. Yet for the sake of the children in our common schools, the Legislature has been unwilling to fund even a basic level of education support. I am both angered and saddened at this distorted sense of values.

I am not unaware of the need to produce adequate revenues for proper maintenance of our highway system and to provide for essential construction projects. I intend to make every effort to assure that federal gas tax monies will be shared with the states without the requirement for state matching funds. I will further endeavor to help bring about a balanced program of highway construction and maintenance within the limits of our citizens' ability to pay and available federal resources.

I wish to acknowledge with deep gratitude the dedicated efforts of many during the regular and extraordinary sessions of this Forty-fourth Legislature to achieve a comprehensive and balanced package of transportation legislation. I believe that more than any other time, I sought to compromise my own objectives in order to produce an accept-

able transportation package. I sincerely regret that the goal was not attained, and pledge my continuing efforts in the future to bring about transportation legislation that will be of the greatest benefit to our citizens.

For the foregoing reasons, I have determined to veto Substitute Senate Bill No. 2159.

Respectfully submitted,
DANIEL J. EVANS
Governor.

Office of the Governor, July 2, 1975.

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

LADIES AND GENTLEMEN:

I am returning herewith without my approval as to one section ENGROSSED SENATE BILL NO. 2210 entitled:

"An Act relating to education."

This bill authorizes school districts to establish and collect fees from students and non-students for participation in certain extracurricular activities.

Section 5 declares an emergency and provides for the act to take effect immediately. I have, on several recent occasions, expressed my increasing apprehension over repeated and unwarranted use of emergency clauses in bills that do not measure up to the standard of urgency contained in Article II, section 1(b) of our Constitution. I have vetoed emergency clauses from such bills, and must do so again for the same reason in the case of this bill.

With the exception of section 5 which I have vetoed, the remainder of Engrossed Senate Bill No. 2210 is approved.

Respectfully submitted,
DANIEL J. EVANS
Governor.

Office of the Governor, June 4, 1975.

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

LADIES AND GENTLEMEN:

I am returning herewith without my approval SUBSTITUTE SENATE BILL NO. 2251 entitled:

"An Act relating to certain public officials."

This bill extends the financial reporting requirements of the Public Disclosure Act (Initiative 276) to all appointed officials of all state boards, commissions, councils, and other agencies. At the present time these provisions apply only to elected officials.

The extensive reporting requirements of the Public Disclosure Act are essential to the objective of making elected representatives in government more accountable to their constituency. Any actual or potential conflicts of interest should be open to public scrutiny. With few exceptions, members of state boards and commissions are appointed to their positions by elected officials. It is properly the responsibility of those elected officials to ensure that persons appointed by them do not have conflicts of interest in their appointed positions. As elected officials, they must account to the public for any detriment to the public interest caused by the actions of appointed officials taken where conflicts of interest existed.

A great number of appointed officials serve either without compensation or with compensation falling far short of the value of their time and services rendered. To subject these public-minded citizens to the rigorous reporting requirements of the law would be to impose burdens on their personal and business lives greatly disproportionate to the benefits that may accrue to the public from scrutinizing their financial affairs. I believe the result would be the loss of the services of many who would simply be

unable to justify the acceptance of such burdens in light of the part-time and voluntary nature of their service to the public.

For the foregoing reasons, I have determined to veto Substitute Senate Bill No. 2251.

Respectfully submitted,
DANIEL J. EVANS
Governor.

Office of the Governor, July 2, 1975.

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

LADIES AND GENTLEMEN:

I am returning herewith without my approval as to one section ENGROSSED SENATE BILL NO. 2265 entitled:

"An Act relating to alien banks."

This bill revises the regulations governing alien banks.

Section 4 declares an emergency and provides for the act to take effect immediately. I have, on several recent occasions, expressed my increasing apprehension over repeated and unwarranted use of emergency clauses in bills that do not measure up to the standard of urgency contained in Article II, section 1(b) of our Constitution. I have vetoed emergency clauses from such bills, and must do so again for the same reason in the case of this bill.

With the exception of section 4 which I have vetoed, the remainder of Engrossed Senate Bill No. 2265 is approved.

Respectfully submitted,
DANIEL J. EVANS
Governor.

Office of the Governor, July 2, 1975.

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

LADIES AND GENTLEMEN:

I am returning herewith without my approval ENGROSSED SENATE BILL NO. 2341 entitled:

"An Act relating to the regulation of public service companies."

This bill was originally a departmental request by the Utilities and Transportation Commission for the purpose of raising regulatory fees charged to railroad companies. The bill was amended, however, to include a provision transferring the responsibility for inspection of railroad employee safety from the commission to the Department of Labor and Industries.

This same provision appeared previously in Substitute House Bill No. 220 which I vetoed on May 13, 1975. I am not aware of any change in circumstances that would justify my approving the bill at this time. The Utilities and Transportation Commission has already been certified by the Federal Railroad Authority for inspection of railroad public safety, and is in a preferred position for certification by that agency for employee safety inspection. Transfer of this responsibility at this time would needlessly disrupt current efforts to obtain such certification.

I recognize the importance of railroad employee safety inspection and have requested the Utilities and Transportation Commission to implement at the earliest possible date a program for employee safety inspection.

For the foregoing reasons, I have determined to veto Engrossed Senate Bill No. 2341.

Respectfully submitted,
DANIEL J. EVANS
Governor.

Office of the Governor, July 2, 1975.

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

LADIES AND GENTLEMEN:

I am returning herewith without my approval as to one section ENGROSSED SENATE BILL NO. 2401 entitled:

"An Act relating to adjustment of workmen's compensation payments."

This bill provides for certain cost of living increases for workmen's compensation payments.

Section 4 sets an effective date for the act of July 1, 1975. Without such a designated date, the act would go into effect ninety days after the adjournment of the recent extraordinary session of the Legislature. The effect of the July 1, 1975 date in this case is to cut short the ninety-day period during which the people have the right pursuant to Article II, section 1(d) of our Constitution, to subject the measure to referendum. I have serious reservations about the constitutionality of an effective date of this kind, inasmuch as the Constitution provides that an act shall not be subject to referendum if it is necessary for the "immediate preservation of the public peace, health or safety, support of the state government and its existing public institutions." See Article II, section 1(b). Whether or not the bill would ever be subjected to a referendum effort, it simply does not measure up to that standard of urgency.

With the exception of section 4, which I have vetoed for the foregoing reasons, the remainder of the bill is approved.

Respectfully submitted,
DANIEL J. EVANS
Governor.

Office of the Governor, July 2, 1975.

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

LADIES AND GENTLEMEN:

I am returning herewith without my approval as to two sections ENGROSSED SENATE BILL NO. 2408 entitled:

"An Act relating to public employment relations."

This bill creates a new commission on employment relations to administer many of the mediation and fact-finding duties presently vested in the Department of Labor and Industries and is intended to consolidate dispute settlement mechanisms in the public employment sector in one single agency.

The new commission set up by the bill consists of three members appointed by the Governor with the advice and consent of the Senate. A proviso appearing in section 2 specifies that unless a member appointed when the Legislature is not in session is confirmed by the Senate during the first thirty days of the next session, that member's appointment shall be deemed rejected.

On this same date I have vetoed a section from Substitute Senate Bill No. 2500 containing an identical proviso with respect to the commission created under that bill. As stated in my message attached to that bill, I believe it is bad policy to allow the Senate to, in effect, reject an appointment to the commission by inaction. A governor goes on record in making an appointment; if the law requires confirmation by the Senate, that body should be required to go on record as confirming or rejecting the appointment. Otherwise there is no way for the record to show to the governor, the appointee, and the public those who opposed the appointment and the reasons for their opposition.

Section 3 of the bill contains a subsection which provides that all expenses of the commission, including travel expenses incurred by members and staff, shall be allowed and paid on approval by the commission itself or by someone designated by the commission for that purpose. I am concerned that this section could be interpreted to mandate approval of all travel and subsistence expenses incurred, whether such expenses conform to the standards and limits set in RCW chapter 43.03 and regulations promul-

gated thereunder. I question the need for this subsection in any event, since existing law well covers the limits of and procedures for payment of necessary expenses.

I recognize that the veto of sections 2 and 3 would render the rest of the bill virtually unworkable, and therefore urge the Legislature to redraft the same at the next opportune moment. With the exception of those two sections, the remainder of the bill is approved.

Respectfully submitted,
DANIEL J. EVANS
Governor.

Office of the Governor, July 2, 1975.

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

LADIES AND GENTLEMEN:

I am returning herewith without my approval as to one section ENGROSSED SENATE BILL NO. 2422 entitled:

"An Act relating to handicapped persons."

This bill provides for special parking privileges to vehicles transporting persons with severe physical handicaps or disabilities.

Section 3 declares an emergency and provides for the act to take effect immediately. I have, on several recent occasions, expressed my increasing apprehension over repeated and unwarranted use of emergency clauses in bills that do not measure up to the standard of urgency contained in Article II, section 1(b) of our Constitution. I have vetoed emergency clauses from such bills, and must do so again for the same reason in the case of this bill.

With the exception of section 3 which I have vetoed, the remainder of Engrossed Senate Bill No. 2422 is approved.

Respectfully submitted,
DANIEL J. EVANS
Governor.

Office of the Governor, June 4, 1975.

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

LADIES AND GENTLEMEN:

I am returning herewith without my approval as to one section SUBSTITUTE SENATE BILL NO. 2423 entitled:

"An Act relating to intoxicating liquor."

Section 5 of the bill includes a provision prohibiting hereafter the sale of liquor on any state college, university, or community college campus. I believe this is an unduly broad restriction that fails to take account of unique circumstances in individual communities.

The Liquor Control Board has operated capably without such restriction in determining where and under what circumstances liquor should be sold to adults. The question of whether liquor should be sold on campuses of state supported institutions of higher education should continue to be within the jurisdiction of the Board, which is in a better position to decide on the appropriate response in each individual case. If there is a potential problem of minors attempting to purchase liquor on a particular campus, I am certain the Board will weigh that factor in deciding ultimately whether the sale of liquor on that campus should be allowed. I am likewise certain that the Board will take into consideration individual community acceptance of the sale of liquor on a campus.

For these reasons I have determined to veto section 5. With that exception, the remainder of Substitute Senate Bill No. 2423 is approved.

Respectfully submitted,
DANIEL J. EVANS
Governor.

Office of the Governor, June 4, 1975.

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

LADIES AND GENTLEMEN:

I am returning herewith without my approval as to one section SUBSTITUTE SENATE BILL NO. 2463 entitled:

"An Act relating to vocational education; creating the commission for vocational education; transferring certain powers, duties, responsibilities, personnel, funds and equipment."

Section 15 of the bill empowers the state board of education to adopt rules and regulations for vocational-technical institutes as authorized by the act. The entire thrust of this bill, and the purpose of the prolonged negotiations that went into its formulation, was to place the responsibility for vocational education in a single, new commission. The effect of this section is to divide again this responsibility and negate much of the efforts of those who have sought to resolve the problems that led to the enactment of this bill. Accordingly, I have determined to veto section 15.

With the exception of section 15, the remainder of Substitute Senate Bill No. 2463 is approved.

Respectfully submitted,
DANIEL J. EVANS
Governor.

Office of the Governor, June 2, 1975.

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

LADIES AND GENTLEMEN:

I am returning herewith without my approval SENATE BILL NO. 2484 entitled:
"An Act relating to state government."

This bill would allow employees transferring from one state agency to another to be paid for accrued vacation leave.

It has long been recognized by authorities in management that the value of vacation time to the employer lies in the return of an employee refreshed and rested during his or her vacation. This bill would greatly impair that value by providing an incentive for an employee to be paid for accrued vacation time rather than actually taking the time off.

The application of the bill would also be discriminatory between employees who remain with a state agency and employees who transfer from one agency to another. The prospect of some employees receiving cash for accrued vacation time may well have an adverse effect on the morale of others who do not have that option. The combination of all these factors would also have a negative impact on state employee productivity at a time when state government is attempting to increase productivity.

For the foregoing reasons, I have determined to veto Senate Bill No. 2484.

Respectfully submitted,
DANIEL J. EVANS
Governor.

Office of the Governor, July 2, 1975.

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

LADIES AND GENTLEMEN:

I am returning herewith without my approval as to one section ENGROSSED SUBSTITUTE SENATE BILL NO. 2500 entitled:

"An Act relating to employer-employee relations in the public sector; providing for an educational employment relations act."

This bill repeals the current law on professional negotiations in education, RCW Chapter 28A.72, and enacts a new chapter defining rights and duties in collective bargaining in the education sector.

Section 4 creates a new commission on education employment relations consisting of five members appointed by the Governor with the consent of the Senate. A proviso in that section specifies that unless a member appointed when the Legislature is not in session is confirmed by the Senate during the first thirty days of the next session, that member's appointment shall be deemed rejected.

The language of the proviso is unclear as to what should happen if the duration of the next session is less than thirty days. More important, however, is that the proviso in effect allows the Senate to reject an appointment to the commission by inaction. I believe this is bad policy and cannot accept such a procedure. A governor goes on record in making an appointment; if the law requires confirmation by the Senate, that body should go on record as confirming or rejecting the appointment. To allow rejection by inaction would be to deprive the governor, the appointee, and the public the right to know who opposed the appointment and the reasons for such opposition.

I am aware that the commission created by this act would be superseded by the new commission on public employment relations designated by Substitute Senate Bill No. 2408, which is also before me for approval. The same proviso appears in that bill, and for the reasons stated herein and for other reasons too, I intend to veto the pertinent portions of that act.

Recognizing that the substantive portions of this bill are unworkable without the existence of the commission created in section 4, and considering that the effective date of those elements of the bill is January 1, 1976, I would urge the Legislature to redraft this section at the next opportune moment.

With the exception of section 4 which I have vetoed, the remainder of the bill is approved.

Respectfully submitted,
DANIEL J. EVANS
Governor.

Office of the Governor, May 31, 1975.

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

LADIES AND GENTLEMEN:

I am returning herewith without my approval as to one section SUBSTITUTE SENATE BILL NO. 2519 entitled:

"An Act relating to the council on post-secondary education."

This bill amends current law on the structure and duties of the Council on Higher Education and changes its name to the Council on Post-Secondary Education.

Section 7 contains amendatory language which requires five out of the nine voting members to approve *any* action taken by the council. The present by-laws of the council require five affirmative votes to approve any substantive action, but not for procedural matters or committee actions where other voting rules and quorum requirements may apply. A statutory mandate requiring five votes for all actions, whether substantive or procedural, is unduly restrictive and serves no useful purpose.

With the exception of section 7, which I have vetoed for the foregoing reasons, the remainder of Substitute Senate Bill No. 2519 is approved.

Respectfully submitted,
DANIEL J. EVANS
Governor.

Office of the Governor, May 28, 1975.

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

LADIES AND GENTLEMEN:

I am returning herewith without my approval SUBSTITUTE SENATE BILL NO. 2713, entitled:

"An Act relating to county roads."

This bill increases the limit for county road day labor projects from \$25,000 to

\$50,000. The new amount would further be adjusted from year to year based on fluctuations in the road construction cost index.

I do not question the need for increasing the limit for day labor projects, particularly in light of rising construction costs. I also recognize that some rural counties may occasionally encounter difficulties in finding qualified contractors to bid on projects exceeding the day labor limit.

I am deeply disturbed, however, that a number of counties in the state have consistently and flagrantly violated the law against "staging" of projects and have thereby evaded the statutory limit on day labor work. This is a serious problem that warrants a thorough investigation by the Legislature and preparation of legislation that can be effectively enforced to prevent such violations in the future.

Until the Legislature enacts a strict law against the evasion of present day labor project limits, I will not be willing to sign a measure which might expand the opportunities for such evasion.

For the foregoing reasons I have determined to veto Substitute Senate Bill No. 2713.

Sincerely,
DANIEL J. EVANS
Governor.

Office of the Governor, June 7, 1975.

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

LADIES AND GENTLEMEN:

I am returning herewith without my approval SUBSTITUTE SENATE BILL NO. 2937 entitled:

"An Act relating to transportation taxation."

This bill increases the motor vehicle excise tax from the present rate of two percent to 2.28 percent. The resulting revenue would be used to fund the state match for locally generated public transportation funds. The projected total of \$36,000,000 for the 1975-1977 biennium is only \$4,000,000 more than that provided in the general fund budget I submitted to the Legislature last December.

I am acutely aware of the need for continuing mass transit support in a time when the state and national interests demand a shift in emphasis from personal to public transportation systems. I cannot, however, approve an increase in the motor vehicle excise tax which would provide only a small additional amount of funds beyond that contained in the executive budget and which was to be funded out of the general fund without a new tax.

On this same date I have vetoed Substitute Senate Bill No. 2159 which provided for a variable gas tax. These two bills made up two out of a package of four transportation bills that has undergone the legislative process with active participation from my office. I recognize and deeply appreciate the considerable time and effort expended by many to bring about this session a comprehensive and balanced transportation package. I regret that the goal of such a package suited to the objectives of all concerned was not attained, and pledge my continuing support in future efforts to achieve that goal. I would urge the Legislature to explore all feasible alternatives in order to provide this state with a balanced transportation program at a cost which is within our citizens' ability to pay.

For the foregoing reasons, I have determined to veto Substitute Senate Bill No. 2937.

Respectfully submitted,
DANIEL J. EVANS
Governor.

GOVERNOR'S MESSAGES ON SENATE BILLS SIGNED AFTER ADJOURNMENT

1975

FORTY-FOURTH LEGISLATURE REGULAR AND FIRST EXTRAORDINARY SESSIONS

Office of the Governor, June 23, 1975.

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

LADIES AND GENTLEMEN:

I have the honor to advise that on June 20, 1975, Governor Evans approved the following Senate Bill, entitled:

SENATE BILL NO. 2348: Requiring cities, towns, and counties to report to director of highways on plans for bicycle, pedestrian, and equestrian expenditures.

Sincerely
CHI-DOOH LI
Legal Counsel.

Office of the Governor, June 23, 1975.

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

LADIES AND GENTLEMEN:

I have the honor to advise that on June 19, 1975, Governor Evans approved the following Senate Bills, entitled:

SENATE BILL NO. 2114: Authorizing the office of judicial officer in municipal courts of cities of more than four hundred thousand inhabitants.

SENATE BILL NO. 2609: Limiting the number of copies of Washington state statutes that a county must keep on file.

SENATE BILL NO. 2623: Requiring reports of child abuse to be forwarded to the prosecuting attorney for investigation and action.

SUBSTITUTE SENATE BILL NO. 2808: Expanding the membership of the municipal research council.

Sincerely,
CHI-DOOH LI
Legal Counsel.

Office of the Governor, June 26, 1975.

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

LADIES AND GENTLEMEN:

I have the honor to advise that on June 26, 1975, Governor Evans approved the following Senate Bills, entitled:

SENATE BILL NO. 2108: Enacting the uniform foreign money-judgments recognition act.

SENATE BILL NO. 2172: Requiring the clerk of district and municipal courts to collect and remit fees, costs, penalties, fines and forfeitures.

SUBSTITUTE SENATE BILL NO. 2211: Authorizing certain types of motor vehicle lighting.

SENATE BILL NO. 2346: Changing requirements relating to sale of real property by school districts.

SENATE BILL NO. 2613: Authorizing pre-trial diversion programs approved by the court.

SENATE BILL NO. 2670: Revising liquor license requirements for common carriers.

SENATE BILL NO. 2735: Revising laws relating to care of mentally or physically deficient persons.

SENATE BILL NO. 2840: Relating to sentencing.

SENATE BILL NO. 2863: Compelling action by school boards to assure physical safety of pupils.

SENATE BILL NO. 2886: Authorizing bond issue for construction of executive offices.

SENATE BILL NO. 2894: Permitting ambulance service to claim lien against a tort-feasor.

SENATE BILL NO. 2895: Amending law relating to blind vendors in public buildings.

SENATE BILL NO. 2944: Permitting investment of public funds in the Asian development bank.

Sincerely,
CHI-DOOH LI
Legal Counsel.

Office of the Governor, June 30, 1975.

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

LADIES AND GENTLEMEN:

I have the honor to advise that on June 27, 1975, Governor Evans approved the following Senate Bills, entitled:

SENATE BILL NO. 2046: Declaring that fishing derbys are not gambling and removing them from regulation by the gambling commission.

SUBSTITUTE SENATE BILL NO. 2092: Enacting a new criminal code for crime against persons.

SENATE BILL NO. 2226: Requiring state to pay costs and fees of indigent appeals.

SENATE BILL NO. 2633: Directing state board of education to authorize high school credits for persons accepted into the national guard high school career training.

Sincerely,
CHI-DOOH LI
Legal Counsel.

Office of the Governor, July 1, 1975.

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

LADIES AND GENTLEMEN:

I have the honor to advise that on July 1, 1975, Governor Evans approved the following Senate Bill, entitled:

SUBSTITUTE SENATE BILL NO. 2280: Pertaining to financing municipal transportation systems.

Sincerely,
CHI-DOOH LI
Legal Counsel.

Office of the Governor, July 1, 1975.

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

LADIES AND GENTLEMEN:

I have the honor to advise that on June 30, 1975, Governor Evans approved the following Senate Bills, entitled:

SENATE BILL NO. 2334: Amending the laws relating to corporations.

SUBSTITUTE SENATE BILL NO. 2469: Revising law relating to handling of trusts by mutual savings banks.

Sincerely,
CHI-DOOH LI
Legal Counsel.

Office of the Governor, July 2, 1975.

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

LADIES AND GENTLEMEN:

I have the honor to advise that on July 2, 1975, Governor Evans approved the following Senate Bill, entitled:

SENATE BILL NO. 2403: Providing arrest procedures for specified traffic offenses.

Sincerely,
CHI-DOOH LI
Legal Counsel.

Office of the Governor, July 3, 1975.

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

LADIES AND GENTLEMEN:

I have the honor to advise that on July 2, 1975, Governor Evans approved the following Senate Bill, entitled:

SUBSTITUTE SENATE BILL NO. 2736: Making certain corrections and adjustments in the tax laws.

Sincerely,
CHI-DOOH LI
Legal Counsel.

1975 SENATE ROSTER

FORTY-FOURTH LEGISLATURE—REGULAR AND FIRST EXTRAORDINARY SESSIONS

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	Political Party	Occupation	Legislative Sessions Served
Bailey, Robert C.....	19	Grays Harbor-Pacific, part	Box 146 South Bend 98586	57	Raymond	D	Printer	S—1957-59 Ex.; 61-61 Ex.; 63-63 Ex.; 65-65 Ex.; 67-67 Ex.; 69-69 Ex.; 70 Ex.; 71-71 Ex.; 72 Ex.; 73-73 1st Ex.; 73 2nd Ex.; 74 Ex.; 75-75 Ex. H—1951-51 Ex., 51 2nd Ex.; 53-53 Ex.; 55-55 Ex.
Beck, Clifford W. "Red"	26	Kitsap, part Pierce, part	2400 Beach Dr. Port Orchard 98366	67	Indiana	D	Property Manager	S—Appointed 2/74 Ex.; 75-75 Ex. H—1961-61 Ex.; 63-63 Ex.; 65-65 Ex.; 67-67 Ex.; 69-69 Ex.; 70 Ex.; 71-71 Ex.; 72 Ex.; 73-73 1st Ex., 73 2nd Ex.; 74 Ex.
Benitz, Max E.	8	Yakima, part Benton	Rt. 2, Box 181 Prosser 99350	58	Kansas	R	Agri-Business	S—1975-75 Ex. H—1969-69 Ex.; 70 Ex.; 71-71 Ex.; 72 Ex.; 73-73 1st Ex., 73 2nd Ex.; 74 Ex.
Bluechel, Alan	45	King, part	12534 68th Ave. NE Kirkland 98033	50	Alberta, Can.	R	President, Loctwall Corporation	S—1975-75 Ex. H—1967-67 Ex.; 69-69 Ex.; 70 Ex.; 71-71 Ex.; 72 Ex.; 73-73 1st Ex., 73 2nd Ex.; 74 Ex.
Bottiger, R. Ted	2	Pierce, part Thurston, part	8849 Pacific Ave. Tacoma 98444	42	Tacoma	D	Attorney	S—1973-73 1st Ex., 73 2nd Ex.; 74 Ex.; 75-75 Ex. H—1965-65 Ex.; 67-67 Ex.; 69-69 Ex.; 70 Ex.; 71-71 Ex.; 72 Ex.
Buffington, Nancy	34	King, part	5919 47th Ave. SW Seattle 98136	36	Utah	R	Apparel Representative	S—1975-75 Ex.

Senate Roster—1975, Forty-Fourth Legislature—Regular and First Extraordinary Sessions—Continued

NAME OF MEMBER	District	County	Mailing Address	Age	Birthplace	Political Party	Occupation	Legislative Sessions Served
Clarke, George W.....	41	King, part	1111 Hoge Bldg. Seattle 98104	69	Iowa	R	Attorney	S—Appointed 1/8/71 1971 Ex.; 72 Ex.; 73-73 1st Ex., 73 2nd Ex.; 74 Ex.; 75-75 Ex. H—1967-67 Ex.; 69-69 Ex.; 70 Ex.
Cunningham, John E. (Jack)	33	King, part	P.O. Drawer 89307 Seattle 98188	44	Illinois	R	President, Northwest Containers, Inc.	S—1975-75 Ex. H—1973-73 1st Ex., 73 2nd Ex. 74 Ex.
Day, William S.....	4	Spokane, part- Whitman, part	2721 E. Sprague Spokane 99202	52	Illinois	D	Chiropractor	S—1969-69 Ex.; 70 Ex.; 71-71 Ex.; 72 Ex.; 73-73 1st Ex., 73 2nd Ex.; 74 Ex.; 75-75 Ex. H—1959-59 Ex.; 61-61 Ex.; 63-63 Ex.; 65-65 Ex.; 67-67 Ex.
Donohue, Hubert F.....	9	Adams-Asotin- Garfield-Columbia, part-Grant, part- Whitman, part	Rt. 2, Box 13 Dayton 99328	53	Dayton	D	Farmer	S—1969-69 Ex.; 70 Ex.; 71-71 Ex.; 72 Ex.; 73-73 1st Ex., 73 2nd Ex.; 74 Ex.; 75-75 Ex.
Fleming, George	37	King, part	1100 Lk. Wash. Blvd. S. Seattle 98144	37	Texas	D	Pacific Northwest Bell Personnel Supervisor	S—1971-71 Ex.; 72 Ex.; 73-73 1st Ex., 73 2nd Ex.; 74 Ex.; 75-75 Ex. H—1969-69 Ex.; 70 Ex.
Francis, Pete D.	32	King, part	6026 - 2nd NW Seattle 98107	40	Seattle	D	Attorney	S—Appointed 12/1/69 1970 Ex.; 71-71 Ex.; 72 Ex.; 73-73 1st Ex., 73 2nd Ex.; 74 Ex.; 75-75 Ex. H—1969-69 Ex.
Goltz, H. A. "Barney".	42	Whatcom. part	3003 Vallette St. Bellingham 98225	50	Minnesota	D	College Administrator	S—1975-75 Ex. H—1973-73 1st Ex., 73 2nd Ex.; 74 Ex.
Gould, Susan E.	21	Snohomish, part	19225 92nd W. Edmonds 98020	45	Seattle	R	School Board Member	S—1975-75 Ex.

Senate Roster—1975, Forty-Fourth Legislature—Regular and First Extraordinary Sessions—Continued

NAME OF MEMBER	District	County	Mailing Address	Age	Birthplace	Political Party	Occupation	Legislative Sessions Served
Grant, Gary	11	King, part	25823 132nd SE Kent 98031	40	Wisconsin	D	Labor Union Pres.	S—1973-73 1st Ex., 73 2nd Ex.; 74 Ex.; 75-75 Ex. H—1963-63 Ex.; 65-65 Ex.; 67-67 Ex.; 69-69 Ex.; 70 Ex.; 71-71 Ex.; 72 Ex.
Guess, Sam C.....	6	Spokane, part	W. 408 33rd Ave. Spokane 99203	65	Mississippi	R	Civil Engineer	S—1963-63 Ex.; 65-65 Ex.; 67-67 Ex.; 69-69 Ex.; 70 Ex.; 71-71 Ex.; 72 Ex.; 73-73 1st Ex., 73 2nd Ex.; 74 Ex.; 75-75 Ex.
Henry, Al	17	Clark, part-Klickitat- Skamania	Rio Vista White Salmon 98672	64	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.; 72 Ex.; 73-73 1st Ex., 73 2nd Ex.; 74 Ex.; 75-75 Ex. H—1941-45-51-51 Ex., 51 2nd Ex.; 55-65 Ex.
Herr, Gordon	31	King, part	10617 21st SW Seattle 98146	49	Washington	D	Association Exec- utive	S—Appointed 1/20/64 1965-65 Ex.; 67-67 Ex.; 69-69 Ex.; 70 Ex.; 71-71 Ex.; 72 Ex.; 73-73 1st Ex., 73 2nd Ex.; 74 Ex.; 75-75 Ex. H—1963-63 Ex.
Jolly, Dan	16	Franklin-Walla Walla- Columbia, part	Box 10 Connell 99326	68	Washington	D	Farmer	S—1971-71 Ex.; 72 Ex.; 73-73 1st Ex., 73 2nd Ex.; 74 Ex.; 75-75 Ex. H—1963-63 Ex.; 65-65 Ex.; 67-67 Ex.; 69-69 Ex.; 70 Ex.
Jones, John D.	48	King, part	P.O. Box 867 Bellevue 98009	52	Wales	R	Manager, Bellevue- Issaquah Pac. N.W. Bell	S—Appointed 1/8/73 1973 1st Ex., 73 2nd Ex.; 74 Ex.; 75-75 Ex. H—1971-71 Ex.; 72 Ex.
Keefe, James Edward...	3	Spokane, part	412 W. Glass Ave. Spokane 99205	67	New York	D	Sales Manager Consultant	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.; 72 Ex.; 73-73 1st Ex., 73 2nd Ex.; 74 Ex.; 75-75 Ex.

Senate Roster—1975, Forty-Fourth Legislature—Regular and First Extraordinary Sessions—Continued

NAME OF MEMBER	District	County	Mailing Address	Age	Birthplace	Political Party	Occupation	Legislative Sessions Served
Knoblauch, Reuben A...	25	King, part Pierce, part	P.O. Box 306 Sumner 98390	60	Sumner	D	Right-of-Way Dept., Pierce County Engineer's Dept.	S—1953-58 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.; 72 Ex.; 73-73 1st Ex.; 73 2nd Ex.; 74 Ex.; 75-75 Ex. H—1947-49-50 Ex.; 51-51 Ex., 51 2nd Ex.
Lewis, Harry B.....	22	Thurston, part	Legislative Bldg. Olympia 98504	48	Pennsylvania	R	Owner-Mgr., Wood Fabricators, Inc.	S—1965-65 Ex.; 67-67 Ex.; 69-69 Ex.; 70 Ex.; 71-71 Ex.; 72 Ex.; 73-73 1st Ex., 73 2nd Ex.; 74 Ex.; 75-75 Ex. H—1961-61 Ex.; 63-63 Ex.
Lewis, R. H. "Bob"	5	Spokane, part	W. 4329 Arrowhead Rd. Spokane 99208	50	Deer Park	R	Vice Pres., Lincoln First Fed. Savings & Loan Assn.	S—1973-73 1st Ex., 73 2nd Ex.; 74 Ex.; 75-75 Ex.
Mardesich, August P....	38	Snohomish, part	4712 Mermont Dr. Everett 98203	54	California	D	Attorney, Commer- cial Fisherman	S—1963-63 Ex.; 65-65 Ex.; 67-67 Ex.; 69-69 Ex.; 70 Ex.; 71-71 Ex.; 72 Ex.; 73-73 1st Ex., 73 2nd Ex.; 74 Ex.; 75-75 Ex. H—1950 Ex.; 51-51 Ex., 51 2nd Ex.; 53-53 Ex.; 55-55 Ex.; 57-59-59 Ex.; 61-61 Ex.
Marsh, Dan	49	Clark, part	P.O. Box 1086 Vancouver 98660	38	Oregon	D	Attorney	S—1973-73 1st Ex., 73 2nd Ex.; 74 Ex.; 75-75 Ex. H—1965-65 Ex.; 67-67 Ex.; 69-69 Ex.; 70 Ex.; 71-71 Ex.; 72 Ex.
Matson, Jim	14	Yakima, part	Rt. 2, Box 2311 Selah 98942	48	Yakima	R	Fruit Grower, Shipper	S—1969-69 Ex.; 70 Ex.; 71-71 Ex.; 72 Ex.; 73-73 1st Ex., 73 2nd Ex.; 74 Ex.; 75-75 Ex.
McDermott, James A...	43	King, part	1650 22nd E. Seattle 98122	38	Illinois	D	Physician	S—1975-75 Ex. H—1971-71 Ex.
Morrison, Sid W.	15	Yakima, part	Rt. 1, Box 220-AA Zillah 98953	42	Yakima	R	Farmer	S—1975-75 Ex. H—1967-67 Ex.; 69-69 Ex.; 70 Ex.; 71-71 Ex.; 72 Ex.; 73-73 1st Ex., 73 2nd Ex.; 74 Ex.

Senate Roster—1975, Forty-Fourth Legislature—Regular and First Extraordinary Sessions—Continued

NAME OF MEMBER	District	County	Mailing Address	Age	Birthplace	Political Party	Occupation	Legislative Sessions Served
Murray, John S.....	36	King, part	8 W. Roy Seattle 98119	49	Missouri	R	Publisher	S—1971-71 Ex.; 72 Ex.; 73-73 1st Ex.; 73 2nd Ex.; 74 Ex.; 75-75 Ex. H—1967-67 Ex.; 69-69 Ex.; 70 Ex.
Newschwander, Charles E.	28	Pierce, part	2140 Bridgeport Way Tacoma 98466	54	Tacoma	R	Dentist	S—1969-69 Ex.; 70 Ex.; 71-71 Ex.; 72 Ex.; 73-73 1st Ex., 73 2nd Ex.; 74 Ex.; 75-75 Ex. H—1961-61 Ex.; 63-63 Ex.; 65-65 Ex.; 67-67 Ex.
North, Lois	44	King, part	10126 Radford Ave. NW Seattle 98177		California	R	Local Govt. Planner	S—1975-75 Ex. H—1969-69 Ex.; 70 Ex.; 71-71 Ex.; 72 Ex.; 73-73 1st Ex., 73 2nd Ex.; 74 Ex.
Odegaard, Gary M.....	20	Lewis-Wahkiakum- Cowlitz, part-Pacific, part-Thurston, part	3415 Ives Rd. Centralia 98531	35	Bellingham	D	Teacher	S—1969-69 Ex.; 70 Ex.; 71-71 Ex.; 72 Ex.; 73-73 1st Ex., 73 2nd Ex.; 74 Ex.; 75-75 Ex.
Peterson, Lowell	40	San Juan-Skagit- Whatcom, part	Box 249 Concrete 98237	53	Pateros	D	Oil Distributor	S—1965-65 Ex.; 67-67 Ex.; 69-69 Ex.; 70 Ex.; 71-71 Ex.; 72 Ex.; 73-73 1st Ex., 73 2nd Ex.; 74 Ex.; 75-75 Ex.
Pullen, Kent	47	King, part	22844 172nd Ave. SE Kent 98031	33	Texas	R	Chemist	S—1975-75 Ex. H—1973-73 1st Ex., 73 2nd Ex.; 74 Ex.
Rasmussen, A. L. "Slim",	29	Pierce, part	5415 A St. Tacoma 98408	65	Washington	D	Real Estate	S—1961-61 Ex.; 63-63 Ex.; 65-65 Ex.; 67-67 Ex. Appointed 10/1/71 72 Ex.; 73-73 1st Ex., 73 2nd Ex.; 74 Ex.; 75-75 Ex. H—1945-47-49-50 Ex.; 51-51 Ex., 51 2nd Ex.; 53-53 Ex.; 55-55 Ex.; 57-59-59 Ex.
Ridder, Ruthe B.....	35	King, part	5809 S. Roxbury Seattle 98118	46	Pullman	D	Housewife	S—1974 Ex.; 75-75 Ex.

Senate Roster—1975, Forty-Fourth Legislature—Regular and First Extraordinary Sessions—Continued

NAME OF MEMBER	District	County	Mailing Address	Age	Birthplace	Political Party	Occupation	Legislative Sessions Served
Sandison, Gordon	24	Clallam-Jefferson-Mason-Thurston, part	P.O. Box 2025 Port Angeles 98362	55	Washington	D	Insurance Broker	S—1959-59 Ex.; 61-61 Ex.; 63-63 Ex.; 65-65 Ex.; 67-67 Ex.; 69-69 Ex.; 70 Ex.; 71-71 Ex.; 72 Ex.; 73-73 1st Ex.; 73 2nd Ex.; 74 Ex.; 75-75 Ex. H—1949-50 Ex.; 51-51 Ex., 51 2nd Ex.; 53-53 Ex.; 55-55 Ex.; 57.
Scott, George W.....	46	King, part	2530 NE 105th Pl. Seattle 98125	38	Seattle	R	Assistant to Dean for Development (U. of W. Med. School)	S—1971-71 Ex.; 72 Ex.; 73-73 1st Ex.; 73 2nd Ex.; 74 Ex.; 75-75 Ex. H—1969-69 Ex.; 70 Ex.
Sellar, George L.....	12	Chelan-Douglas-Grant, part- Okanogan, part	1324 Terrace Dr. E. Wenatchee 98801	46	Illinois	R	Manager, Eye and Ear Optical	S—Appointed 1/7/72 1973-73 1st Ex., 73 2nd Ex.; 74 Ex.; 75-75 Ex.
Stortini, Joe	27	Pierce, part	1623 Firlands Dr. Tacoma 98405	42	Tacoma	D	High School Teacher	S—1969-69 Ex.; 70 Ex.; 71-71 Ex.; 72 Ex.; 73-73 1st Ex., 73 2nd Ex.; 74 Ex.; 75-75 Ex.
Talley, Don L.....	18	Clark, part- Cowlitz, part	1583 Mt. Pleasant Rd. Kelso 98626	56	Tacoma	D	Supervisor, Port of Longview	S—1957-59 Ex.; 61-61 Ex.; 63-63 Ex.; 65-65 Ex.; 67-67 Ex.; 69-69 Ex.; 70 Ex.; 71-71 Ex.; 72 Ex.; 73-73 1st Ex.; 73 2nd Ex.; 74 Ex.; 75-75 Ex.
Van Hollebeke, Ray ...	1	King, part- Snohomish, part	18735 - 53rd NE Seattle 98155	45	Illinois	D	City Planning Coordinator	S—1973-73 1st Ex., 73 2nd Ex.; 74 Ex.; 75-75 Ex.
von Reichbauer, Peter..	30	King, part	429 Public Lands Bldg. Olympia 98504	32	Seattle	D	Publisher—Writer	S—1974 Ex.; 75-75 Ex.
Walgren, Gordon L.....	23	Kitsap, part	245 Fourth St. Bldg. Bremerton 98310	42	Bremerton	D	Attorney	S—1969-69 Ex.; 70 Ex.; 71-71 Ex.; 72 Ex.; 73-73 1st Ex., 73 2nd Ex.; 74 Ex.; 75-75 Ex. H—1967-67 Ex.
Wanamaker, F. "Pat"..	10	Island-Snohomish, part	519 W. Wanamaker Rd. Coupeville 98239	64	Pt. Townsend	R	Retired Farmer	S—1973-73 1st Ex., 73 2nd Ex.; 74 Ex.; 75-75 Ex. H—1967-67 Ex.; 69-69 Ex.; 70 Ex.; 71-71 Ex.; 72 Ex.

Senate Roster—1975, Forty-Fourth Legislature—Regular and First Extraordinary Sessions—Continued

NAME OF OFFICER		Office	Mailing Address	Age	Birthplace	Political Party	Occupation	Legislative Sessions Served
Washington, Nat W.....	13	Kittitas-Grant, part-Yakima, part	42 "C" St. NW Ephrata 98823	61	Coulee City	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.; 72 Ex.; 73-73 1st Ex., 73 2nd Ex.; 74 Ex.; 75-75 Ex. H—1949-50 Ex.
Wilson, Bruce A.	7	Ferry-Lincoln-Pend Oreille-Stevens- Okanogan, part- Spokane, part	P.O. Box F Omak 98841	54	Illinois	D	Weekly Newspaper Publisher	S—1969-69 Ex.; 70 Ex.; 71-71 Ex.; 72 Ex.; 75-75 Ex.
Woody, Frank.....	39	King, part- Snohomish, part	24228 - 47th Woodinville 98043	37	Montana	D	Attorney	S—1973-73 1st Ex., 73 2nd Ex.; 74 Ex.; 75-75 Ex.
Lieutenant Governor Cherberg, John A.....		President of the Senate	Legislative Bldg. Olympia 98504	64	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.; 72 Ex.; 73-73 1st Ex., 73 2nd Ex.; 74 Ex.; 75-75 Ex.
Snyder, Sidney R.....		Secretary of the Senate	P.O. Box 531 Long Beach 98631	48	Washington	D	Owner, Operator Supermarket	S—Elected 5/12/69 69-70 Ex.; 71-71 Ex.; 72 Ex.; 73-73 1st Ex., 73 2nd Ex.; 74 Ex.; 75-75 Ex. H—Served as Asst. Chief Clerk or Acting Chief Clerk 1957 to May, 1969
Johnson, Charles L. R..		Sergeant at Arms	624 Carlyon Olympia 98501	63	Washington	D	Merchant	S—Elected 1957-59-61-63-65-67- 69-70-71-72-73-74-75 H—House Member 1951 Served as Sergeant at Arms 1955

STANDING COMMITTEES OF THE SENATE FORTY-FOURTH LEGISLATURE REGULAR AND FIRST EXTRAORDINARY SESSIONS

JOHN A. CHERBERG, President
AL HENRY, President Pro Tempore
JAMES E. KEEFE, Vice President Pro Tempore
SIDNEY R. SNYDER, Secretary

AGRICULTURE (5)—JOLLY, CHAIRMAN; Benitz, Day, Sellar, Wilson.

COMMERCE (5)—VAN HOLLEBEKE, CHAIRMAN; Cunningham, Morrison, Peterson, Ridder.

CONSTITUTION AND ELECTIONS (6)—BECK, CHAIRMAN; Grant, Lewis (R. H. "Bob"), Pullen, Stortini, Washington.

ECOLOGY (7)—WASHINGTON, CHAIRMAN; Donohue, Goltz, Guess, Murray, North, Sandison.

EDUCATION (7)—STORTINI, CHAIRMAN; Francis, Gould, McDermott, Murray, Newschwander, von Reichbauer.

FINANCIAL INSTITUTIONS (7)—WOODY, CHAIRMAN; Bluechel, Clarke, Herr, Jones, Mardesich, Walgren.

HIGHER EDUCATION (7)—SANDISON, CHAIRMAN; Benitz, Donohue, Goltz, Guess, Odegard, Scott.

JUDICIARY (11)—FRANCIS, CHAIRMAN; Bottiger, Buffington, Clarke, Fleming, Jones, Keefe, Marsh, Scott, Van Hollebeke, Woody.

LABOR (7)—RIDDER, CHAIRMAN; Bailey, Grant, Matson, Morrison, Sellar, von Reichbauer.

LOCAL GOVERNMENT (9)—FLEMING, CHAIRMAN; Jolly, Lewis (R. H. "Bob"), McDermott, North, Sellar, Talley, Walgren, Wilson.

NATURAL RESOURCES (9)—PETERSON, CHAIRMAN; Beck, Bluechel, Grant, Lewis (Harry), Pullen, Rasmussen, Sandison, Talley.

PARKS AND RECREATION (5)—KNOBLAUCH, CHAIRMAN; Bailey, Gould, Odegard, Wanamaker.

RULES (13)—LIEUTENANT GOVERNOR JOHN A. CHERBERG, CHAIRMAN; Bailey, Bottiger, Clarke, Guess, Henry, Herr, Keefe, Lewis (Harry), Mardesich, Marsh, Matson, Newschwander, Talley.

SOCIAL AND HEALTH SERVICES (13) DAY, CHAIRMAN; von REICHBAUER, VICE CHAIRMAN; Buffington, Cunningham, Francis, Goltz, Gould, Herr, McDermott, North, Pullen, Ridder, Van Hollebeke.

STATE GOVERNMENT (7)—RASMUSSEN, CHAIRMAN; Buffington, Cunningham, Day, Henry, Knoblauch, Wanamaker.

TRANSPORTATION AND UTILITIES (17)—WALGREN, CHAIRMAN; HENRY, VICE CHAIRMAN; Beck, Benitz, Bluechel, Bottiger, Guess, Jolly, Keefe, Knoblauch, Lewis (R. H. "Bob"), Morrison, Peterson, Sellar, Stortini, Talley, Wanamaker.

WAYS AND MEANS (19)—DONOHUE, CHAIRMAN; ODEGAARD, VICE CHAIRMAN; WILSON, SECOND VICE CHAIRMAN; Bailey, Clarke, Fleming, Grant, Jones, Lewis (Harry), Mardesich, Marsh, Matson, Murray, Newschwander, Rasmussen, Sandison, Scott, Washington, Woody.

INDIVIDUAL COMMITTEE ASSIGNMENTS OF THE SENATE FORTY-FOURTH LEGISLATURE REGULAR AND FIRST EXTRAORDINARY SESSIONS

- BAILEY (Robert C.)—Labor; Parks and Recreation; Rules; Ways and Means.
- BECK (C. W. "Red")—Chairman, Constitution and Elections; Natural Resources; Transportation and Utilities.
- BENITZ (Max E.)—Agriculture; Higher Education; Transportation and Utilities.
- BLUECHEL (Alan)—Financial Institutions; Natural Resources; Transportation and Utilities.
- BOTTIGER (R. Ted)—Judiciary; Rules; Transportation and Utilities.
- BUFFINGTON (Nancy)—Judiciary; Social and Health Services; State Government.
- CLARKE (George)—Financial Institutions; Judiciary; Rules; Ways and Means.
- CUNNINGHAM (John E. "Jack")—Commerce; Social and Health Services; State Government.
- DAY (William S.)—Chairman, Social and Health Services; Agriculture; State Government.
- DONOHUE (Hubert F.)—Chairman, Ways and Means; Ecology; Higher Education.
- FLEMING (George)—Chairman, Local Government; Judiciary; Ways and Means.
- FRANCIS (Pete)—Chairman, Judiciary; Education; Social and Health Services.
- GOLTZ (H. A. "Barney")—Ecology; Higher Education; Social and Health Services.
- GOULD (Susan E.)—Education; Parks and Recreation; Social and Health Services.
- GRANT (Gary)—Constitution and Elections; Labor; Natural Resources; Ways and Means.
- GUESS (Sam C.)—Ecology; Higher Education; Rules; Transportation and Utilities.
- HENRY (Al)—Vice Chairman, Transportation and Utilities; Rules; State Government.
- HERR (Gordon)—Financial Institutions; Rules; Social and Health Services.
- JOLLY (Dan)—Chairman, Agriculture; Local Government; Transportation and Utilities.
- JONES (John D.)—Financial Institutions; Judiciary; Ways and Means.
- KEEFE (James E.)—Judiciary; Rules; Transportation and Utilities.
- KNOBLAUCH (Reuben A.)—Chairman, Parks and Recreation; State Government; Transportation and Utilities.
- LEWIS (Harry B.)—Natural Resources; Rules; Ways and Means.
- LEWIS (R. H. "Bob")—Constitution and Elections; Local Government; Transportation and Utilities.
- MARDESICH (August P.)—Financial Institutions; Rules; Ways and Means.
- MARSH (Dan)—Judiciary; Rules; Ways and Means.
- MATSON (Jim)—Labor; Rules; Ways and Means.
- McDERMOTT (James A.)—Education; Local Government; Social and Health Services.
- MORRISON (Sid W.)—Commerce; Labor; Transportation and Utilities.
- MURRAY (John S.)—Ecology; Education; Ways and Means.
- NEWSCHWANDER (Charles E.)—Education; Rules; Ways and Means.
- NORTH (Lois)—Ecology; Local Government; Social and Health Services.
- ODEGAARD (Gary M.)—Vice Chairman, Ways and Means; Higher Education; Parks and Recreation.
- PETERSON (Lowell)—Chairman, Natural Resources; Commerce; Transportation and Utilities.
- PULLEN (Kent)—Constitution and Elections; Natural Resources; Social and Health Services.
- RASMUSSEN (A. L. "Slim")—Chairman, State Government; Natural Resources; Ways and Means.

RIDDER (Ruthe)—Chairman, Labor; Commerce; Social and Health Services.

SANDISON (Gordon)—Chairman, Higher Education; Ecology; Natural Resources; Ways and Means.

SCOTT (George W.)—Higher Education; Judiciary; Ways and Means.

SELLAR (George L.)—Agriculture; Labor; Local Government; Transportation and Utilities.

STORTINI (Joe)—Chairman, Education; Constitution and Elections; Transportation and Utilities.

TALLEY (Don L.)—Local Government; Natural Resources; Rules; Transportation and Utilities.

VAN HOLLEBEKE (Ray)—Chairman, Commerce; Judiciary, Social and Health Services.

von REICHBAUER (Peter)—Vice Chairman, Social and Health Services, Education; Labor.

WALGREN (Gordon L.)—Chairman, Transportation and Utilities; Financial Institutions, Local Government.

WANAMAKER (F. "Pat")—Parks and Recreation, State Government, Transportation and Utilities.

WASHINGTON (Nat W.)—Chairman, Ecology; Constitution and Elections, Ways and Means.

WILSON (Bruce A.)—Second Vice Chairman, Ways and Means; Agriculture, Local Government.

WOODY (Frank J.)—Chairman, Financial Institutions; Judiciary, Ways and Means.

COMMITTEE APPOINTMENTS
— 1975 —
STATUTORY AND SELECT

AMERICAN REVOLUTION BICENTENNIAL COMMITTEE
(RCW 43.125.010)

SENATORS

Kent Pullen
Nat W. Washington
C. W. "Red" Beck, Liaison

REPRESENTATIVES

Phyllis Erickson
Hal Zimmerman

ARTS COMMISSION, WASHINGTON STATE
(RCW 43.46.020)

SENATOR

James E. McDermott

REPRESENTATIVE

Simeon R. "Sim" Wilson

BUDGET COMMITTEE, LEGISLATIVE*
(RCW 44.28.010)

SENATORS

Gary M. Odegaard, Chairman
George W. Clarke
Hubert F. Donohue
Harry B. Lewis
Dan Marsh
Charles E. Newschwander
George W. Scott
Frank J. Woody

REPRESENTATIVES

Otto Amen
John Bagnariol
Bob Curtis
S. E. "Sid" Flanagan
William Polk
A. N. "Bud" Shinpoch
Alan Thompson

*One additional member to be appointed.

COLUMBIA INTERSTATE COMPACT COMMISSION
(RCW 43.57.010)

SENATORS

Al Henry
Jim Matson

REPRESENTATIVES

Eugene L. Laughlin
Earl F. Tilly

CRIME (ORGANIZED) INTELLIGENCE ADVISORY BOARD
(RCW 43.43.858)

SENATORS

Pete Francis
Harry B. Lewis
Jim Matson
Gordon Sandison

REPRESENTATIVES

Wayne Ehlers
Ken Eikenberry
Ron Hanna
Jeannette C. Hayner

**EDUCATION COMMISSION OF THE STATES
(RCW 28A.92.020)**

SENATOR

Gordon Sandison

REPRESENTATIVE

Albert Bauer

**EDUCATIONAL STUDY COORDINATING COMMITTEE
(SFR 1975-141)**

SENATORS

Hubert F. Donohue, Co-Chairman
Susan E. Gould
John D. Jones
Charles E. Newschwander
Gary M. Odegaard
Ruthe Ridder
Joe Stortini
F. "Pat" Wanamaker

REPRESENTATIVES

John Bagnariol, Co-Chairman
Albert Bauer
Kemper Freeman, Jr.
Edward T. Luders
Gary A. Nelson
Warren E. Peterson
Frank J. Warnke
Hal Zimmerman

**ETHICS COMMITTEE, LEGISLATIVE
(RCW 44.60.020)**

SENATORS

Robert C. Bailey, Senate Chairman
H. A. "Barney" Goltz
Charles E. Newschwander
George L. Sellar

REPRESENTATIVES

Robert A. Perry, House Chairman
John L. Hendricks
John S. McKibbin
William "Bill" Paris

OTHER APPOINTEES

SENATE LAY MEMBERS

Bruce Helberg, Chairman
Ralph Bowen
Herbert Hamblen
John A. Petrich

HOUSE LAY MEMBERS

Gary Bloomquist
Donald H. Bond
Dr. Hugh Bone
John Papajani

**FACILITIES AND OPERATIONS COMMITTEE
(SFR 1975-154)**

SENATORS

Gordon Sandison, Senate Chairman
Robert C. Bailey
Harry B. Lewis
August P. Mardesich
Jim Matson
Charles E. Newschwander
Gordon L. Walgren

REPRESENTATIVES

John L. O'Brien, House Chairman
Del Bausch
Elmer Jastad
William Polk
Jim Whiteside

Sidney R. Snyder, Ex Officio, Secretary

**GAMBLING COMMISSION, WASHINGTON STATE
(RCW 9.46.040)**

SENATORS

James E. Keefe
F. "Pat" Wanamaker

REPRESENTATIVES

Robert Gaines
James P. Kuehnle

**INSURANCE BOARD, STATE EMPLOYEES'
(RCW 41.05.020)**

SENATOR

George Fleming

REPRESENTATIVE

Marcus Gaspard

**JUDICIAL COUNCIL
(RCW 2.52.010)**

SENATORS

George W. Clarke
Pete Francis
Ray Van Hollebeke

REPRESENTATIVES

Ken Eikenberry
Walt O. Knowles
Lorraine Wojahn

**MEDICAL MALPRACTICE, SELECT COMMITTEE ON
(SFR 1975-122)**

SENATORS

Frank J. Woody, Senate Chairman
William S. Day, Senate Vice Chairman
Pete Francis, Senate Vice Chairman
R. Ted Bottiger
Nancy Buffington
George W. Clarke
John D. Jones
James A. McDermott
Lois North
George L. Sellar
Peter von Reichbauer
Gordon L. Walgren

REPRESENTATIVES

Walt O. Knowles, House Chairman
Dave Ceccarelli, House Vice Chairman
A. A. Adams
John Bagnariol
Ted Haley
Jeannette C. Hayner
A. J. Pardini
Mike Parker
Ed Seeberger

**MUNICIPAL RESEARCH COUNCIL
(RCW 43.110.010-82.44.160)
(SSB 2808)**

SENATORS

George Fleming
R. H. "Bob" Lewis
Lois North
Gordon L. Walgren

REPRESENTATIVES

Jeff Douthwaite
Irv Greengo
Joe D. Haussler
Gary A. Nelson

**NUCLEAR ENERGY, JOINT COMMITTEE ON
(RCW 44.39.015)**

SENATORS

Max E. Benitz
Dan Jolly
Sid W. Morrison
Ray Van Hollebeke

REPRESENTATIVES

Jeannette C. Hayner
Charles D. Kilbury
Charles R. Savage
Simeon "Sim" Wilson

**OCEANOGRAPHIC COMMISSION OF WASHINGTON
(RCW 43.94.020)**

SENATORS

John S. Murray, Chairman
A. L. "Slim" Rasmussen
Don L. Talley

REPRESENTATIVES

Eleanor Fortson
Donald G. Hansey
Rick Smith

**STATUTE LAW COMMITTEE
(RCW 1.08.001)**

SENATORS

George W. Clarke
Pete Francis

REPRESENTATIVES

Ken Eikenberry
Walt O. Knowles
Ed Seeberger

**TRADE FAIRS, ADVISORY COUNCIL ON INTERNATIONAL
(RCW 43.31) (SHB 591)**

SENATORS

Jack Cunningham
Hubert F. Donohue

REPRESENTATIVES

Irving Newhouse
(Alternate—Gary Matthews)
Leonard A. Sawyer
(Alternate—Dave Ceccarelli)

**TRANSPORTATION COMMITTEE, LEGISLATIVE
(RCW 44.40.010)**

SENATORS

Gordon L. Walgren, Vice Chairman
C. W. "Red" Beck
R. Ted Bottiger
Sam C. Guess
Al Henry
Dan Jolly
Reuben A. Knoblauch
R. H. "Bob" Lewis
Lowell Peterson
George L. Sellar
F. "Pat" Wanamaker

REPRESENTATIVES

Robert A. Perry, Chairman
E. G. "Pat" Patterson, Secretary
Dave Ceccarelli
Don Charnley
Paul Conner
Ron Dunlap
P. J. "Jim" Gallagher
James E. Gilleland
Hugh Kalich
Bill Leckenby
Geraldine McCormick
Marion Kyle Sherman

**WASHINGTON/BRITISH COLUMBIA GOVERNMENTAL COOPERATION,
JOINT COMMITTEE
(SCR 101)**

SENATORS

Alan Bluechel
George W. Clarke
August P. Mardesich
Ray Van Hollebeke
Bruce A. Wilson

REPRESENTATIVES

Mary Kay Becker
Duane Berentson
Robert L. Charette
Don Hansey
Charles Moon
Art Moreau, Liaison

John A. Cherberg, Lieutenant Governor, Ex Officio
Leonard A. Sawyer, Ex Officio

**SENATE BILLS PASSED BY SENATE AND HOUSE
SHOWING THE ACTION BY THE GOVERNOR THEREON
1975**

**FORTY-FOURTH LEGISLATURE
REGULAR AND FIRST EXTRAORDINARY SESSIONS**

<i>Senate Bill No.</i>	<i>Subject</i>	<i>Chapter Number</i>	<i>Date Signed</i>	<i>Effective Date</i>
Sub 2006	Veterans' affairs department			Vetoed
2011	School holidays			Vetoed
2021	Building permit fees	8x	4/14/75	9/ 8/75**
2024	Highway franchises	46x	5/15/75	9/ 8/75
2026	Sheltered workshop inventory	3x	4/ 5/75	9/ 8/75
2032	School superintendents' contracts	137x	6/ 2/75	9/ 8/75
2033	Amateur athletics, physicals	1	1/27/75	1/27/75
2035	Indians, library service	50	3/27/75	3/27/75
2041	County road easements	22	3/24/75	6/12/75
2046	Fishing derbies not gambling	259x	6/27/75	9/ 8/75
2047	Hospital records retention	175x	6/ 4/75	9/ 8/75
2049	State education board	19	3/21/75	6/12/75
2051	Professional engineers, surveyors	23	3/24/75	6/12/75
2055	Odometer replacements	24	3/24/75	6/12/75
2058	Medical discipline	61	4/ 5/75	6/12/75
2070	Crime victims, payments	176x	6/ 4/75	6/ 4/75
2071	Sheriff's summons fees	94x	5/28/75	9/ 8/75
2074	Sewer districts, warrants	25x	5/ 8/75	9/ 8/75
2077	Jurors, compensation	76x	5/26/75	9/ 8/75
2078	Motor vehicles code revision	25	3/24/75	6/12/75
2079	Trailer tax, refund	9x	4/25/75	9/ 8/75
2080	Motor vehicle certificate surrender	52	3/27/75	3/27/75
2081	Sheltered workshops	20	3/21/75	3/21/75
2082	First aid vehicles	64	4/ 5/75	6/12/75**
Sub 2086	Incompetents, guardians	95x	5/28/75	9/ 8/75
Sub 2092	Comprehensive criminal code	260x	6/27/75	7/ 1/76
2096	School district administration cost	5x	4/ 9/75	9/ 8/75
2097	Youth corps	7	3/10/75	6/12/75
2105	Uniform vehicle code	62	4/ 5/75	6/12/75
2106	Facilities, life-cycle cost	177x	6/ 4/75	9/ 8/75
2107	Tort judgments, interest	26	3/24/75	6/12/75
2108	Foreign money—judgments	240x	6/26/75	9/ 8/75
2109	Motor vehicle application, inspection fees	138x	6/ 2/75	9/ 8/75
Sub 2110	Model traffic ordinance	54x	5/21/75	9/ 8/75
2114	Judicial officers, municipal courts	214x	6/19/75	9/ 8/75
2117	Highways property deed	96x	5/28/75	9/ 8/75
Sub 2123	School warrants, cancellation	131x	5/31/75	9/ 8/75**
2124	Mine to market roads	139x	6/ 2/75	9/ 8/75
Sub 2125	Stream alterations	29x	5/ 8/75	9/ 8/75
2126	PUD's, prospective employees	140x	6/ 2/75	9/ 8/75
2127	PUD's, construction project	10x	4/28/75	9/ 8/75

** Partial veto

<i>Senate Bill No.</i>	<i>Subject</i>	<i>Chapter Number</i>	<i>Date Signed</i>	<i>Effective Date</i>
	2128 Emergency coin phones	21	3/21/75	6/12/75
	2131 Cemetery districts deposit	55x	5/21/75	9/ 8/75
Sub	2133 Tort claims fund	126x	5/31/75	5/31/75
	2141 Deaf, blind students, transportation	51	3/27/75	6/12/75
	2143 City public works	56x	5/21/75	9/ 8/75
	2146 Fire, police pensions	178x	6/ 4/75	6/ 4/75
	2147 Herbicide programs, fees	27	3/24/75	6/12/75
	2150 Agriculture, general revisions	7x	4/11/75	9/ 8/75**
Sub	2159 Variable motor vehicle fuel tax			Vetoed
	2163 Petrified wood, state gem	8	3/12/75	6/12/75
	2167 Fair trade act repealed	55	3/31/75	6/12/75
	2169 School library services	127x	5/31/75	9/ 8/75
	2170 Auto, horse stealing	28	3/24/75	3/24/75
	2171 Bail, failure to appear	2x	4/ 2/75	9/ 8/75
	2172 District court fees	241x	6/26/75	9/ 8/75
	2177 Municipal court punishments	29	3/24/75	6/12/75
	2182 Jury fees	30	3/24/75	6/12/75
Sub	2183 Business and profession fees	30x	5/ 8/75	9/ 8/75
	2192 Teachers' retirement system board	17x	5/ 2/75	9/ 8/75
	2194 United States senator vacancy	89	Referendum	35 ***
	2199 Unemployment compensation, legislative employees	4	1/31/75	1/31/75
	2203 Hunting violations	6x	4/ 9/75	9/ 8/75
	2205 Traffic citations	56	3/31/75	3/31/75
	2210 School extra-curricular events	284x	7/ 2/75	9/ 8/75**
Sub	2211 Motor vehicle lights	242x	6/26/75	9/ 8/75
	2215 County road boards mileage	1x	3/29/75	9/ 8/75
	2218 Port district work contracts	47x	5/15/75	9/ 8/75
	2220 County warrants, delay	31	3/24/75	6/12/75
	2226 Indigent appeal fees	261x	6/27/75	9/ 8/75
	2227 Surplus Expo facilities	141x	6/ 2/75	6/ 2/75
	2233 Marriage dissolutions	32	3/24/75	6/12/75
2nd Sub	2235 PUD's, sewer systems	57x	5/21/75	9/ 8/75
2nd Sub	2241 Industrial insurance, survivor	179x	6/ 4/75	9/ 8/75
	2242 Columbia river gorge commission	48x	5/16/75	5/16/75
Sub	2249 Public depositories	77x	5/26/75	9/ 8/75
	2250 Cities, 400,000 population	33	3/24/75	6/12/75
Sub	2251 Financial disclosure			Vetoed
Sub	2252 State highway routes	63	4/ 5/75	6/12/75
	2253 Nursing home administrators board	97x	5/28/75	5/28/75
2nd Sub	2258 Learning disabilities	78x	5/26/75	5/26/75
Sub	2259 Employer contributions liens	34	3/24/75	6/12/75
	2265 Alien banks, miscellaneous revisions	285x	7/ 2/75	9/ 8/75**
	2266 Bank stockholders meetings	35	3/24/75	3/24/75
	2268 State funds investment	4x	4/ 5/75	9/ 8/75

**Partial veto

***This act will be submitted to the voters at the November, 1975 state general election for approval or rejection.

<i>Senate Bill No.</i>	<i>Subject</i>	<i>Chapter Number</i>	<i>Date Signed</i>	<i>Effective Date</i>
	2271 School construction matching funds	98x	5/28/75	7/ 1/75
	2278 Nursing home regulation	99x	5/28/75	9/ 8/75
Sub	2280 Municipal transportation financing	270x	7/ 1/75	7/ 1/75
	2292 School district, professional training	192x	6/ 6/75	9/ 8/75
	2297 Judges, superior court, Whatcom	49x	5/16/75	9/ 8/75
	2300 Geographic names board	26x	5/ 8/75	9/ 8/75
	2306 Usury, defense	180x	6/ 4/75	9/ 8/75
	2309 Veteran administration hospitals jurisdiction..	142x	6/ 2/75	9/ 8/75
	2310 Foreign executors	165x	6/ 3/75	9/ 8/75
Sub	2322 Volunteers, industrial insurance	79x	5/26/75	9/ 8/75
	2328 Motor vehicle fuel tax distribution	100x	5/28/75	9/ 8/75
	2331 Water pollution abatement	36	3/24/75	6/12/75
	2332 Insurer, premium tax offsets	133x	6/ 2/75	9/ 8/75
	2334 Corporations, general revisions	264x	6/30/75	9/ 8/75
	2341 Railroad company fees		Vetoed	
	2346 School district property sales	243x	6/26/75	9/ 8/75
	2348 Trails expenditures	215x	6/20/75	9/ 8/75
	2384 City funds, LID warrants	11x	4/28/75	4/28/75
	2385 Yacolt burn access	101x	5/28/75	9/ 8/75
	2386 Snowmobiles	181x	6/ 4/75	9/ 8/75
	2393 Game seasons	102x	5/28/75	9/ 8/75
	2395 Court reporter salaries	128x	5/31/75	9/ 8/75
	2401 Workmens' compensation adjustments	286x	7/ 2/75	9/ 8/75**
	2402 Port commission, power delegated	12x	4/28/75	9/ 8/75
	2403 Motor vehicle violations, arrests	287x	7/ 2/75	7/ 2/75
Sub	2408 Public employment relations	296x	7/ 2/75	9/ 8/75**
	2411 Credit union share guaranty	80x	5/26/75	9/ 1/75
	2416 Trust deeds foreclosure	129x	5/31/75	9/ 8/75
	2422 Handicapped, parking	297x	7/ 2/75	9/ 8/75**
Sub	2423 Alcoholic beverages	173x	6/ 4/75	7/ 1/75**
	2434 State investments	81x	5/26/75	9/ 8/75
Sub	2443 Shoreline management	182x	6/ 4/75	9/ 8/75
	2453 Criminal justice facilities	103x	5/28/75	9/ 8/75
	2454 Criminal justice personnel	82x	5/26/75	9/ 8/75
Sub	2463 Vocational education commission created	174x	6/ 4/75	7/ 1/75**
	2466 Public works, retained percentage	104x	5/28/75	9/ 8/75
	2467 Mutual savings banks	83x	5/26/75	9/ 8/75
Sub	2469 Mutual savings bank trust	265x	6/30/75	9/ 8/75
Sub	2480 Securities regulations	84x	5/26/75	9/ 8/75
	2484 Accured vacation transfers		Vetoed	
Sub	2500 Education employment relations act	288x	7/ 2/75	* **
	*1/1/76 Except sections 5, 6, 12 and 17; effective 9/8/75.			
	2501 Post audits, two-year intervals	193x	6/ 6/75	9/ 8/75
Sub	2507 OPP&FM, annexations	31x	5/ 8/75	9/ 8/75

**Partial veto

<i>Senate Bill No.</i>	<i>Subject</i>	<i>Chapter Number</i>	<i>Date Signed</i>	<i>Effective Date</i>
2509	Notaries, rubber stamps	85x	5/26/75	9/ 8/75
2513	Yakima migrant housing	50x	5/16/75	5/16/75
Sub 2517	Regional medical education	105x	5/28/75	9/ 8/75
Sub 2519	Post-secondary education council	132x	5/31/75	7/ 1/75**
Sub 2526	Archaeological resources	134x	6/ 2/75	9/ 8/75
2530	TESC parking, Puget Island ferry	18x	5/ 2/75	9/ 8/75
Sub 2574	Fishing vessels, gear	183x	6/ 4/75	6/ 4/75
2607	Highway improvements	143x	6/ 2/75	9/ 8/75
2608	Air pollution authorities	106x	5/28/75	9/ 8/75
2609	RCW copies, counties	216x	6/19/75	9/ 8/75
2611	Voter registration transfers	184x	6/ 4/75	6/ 4/75
2613	Pre-trial diversion programs	244x	6/26/75	9/ 8/75
Sub 2616	State land exchange notice	107x	5/28/75	9/ 8/75
2619	Family practice training	108x	5/28/75	9/ 8/75
2623	Child abuse reports	217x	6/19/75	9/ 8/75
2633	National guard school credit	262x	6/27/75	9/ 8/75
2634	Legislative members-elect	185x	6/ 4/75	9/ 8/75
2636	Tree fruit research center	109x	5/28/75	9/ 8/75
2647	State land, Kitsap county	27x	5/ 8/75	9/ 8/75
2650	County budget actions	32x	5/ 8/75	9/ 8/75
Sub 2654	Real estate tax, school use	135x	6/ 2/75	9/ 8/75
2670	Liquor license, common carriers	245x	6/26/75	9/ 8/75
2690	Milk, three quart containers	51x	5/16/75	9/ 8/75
Sub 2692	Physically handicapped, buildings	110x	5/28/75	*
	*9/8/75 Except sections 8, 9, 10; effective 7/1/76			
2698	County, unclassified positions	186x	6/ 4/75	9/ 8/75
Sub 2713	County road projects		Vetoed	
Sub 2715	School preliminary budgets	53x	5/20/75	5/20/75
Sub 2725	State employee, defense	144x	6/ 2/75	9/ 8/75
Sub 2727	Port commissioners' compensation	187x	6/ 4/75	9/ 8/75
2735	Mentally deficient persons	246x	6/26/75	9/ 8/75
Sub 2736	Tax corrections, adjustments	291x	7/ 2/75	*
	*Sections 8, 26-43—1/1/76; sections 2, 3, 4 and subsections (1) and (2) of 24, 1/1/77; subsections (3) - (15) of 24, 1/1/78. All other section 7/2/75.			
Sub 2737	Sewerage and water systems	188x	6/ 4/75	9/ 8/75
2741	Savings and loan associations	111x	5/28/75	9/ 8/75
Sub 2808	Municipal research council	218x	6/19/75	9/ 8/75
Sub 2833	Railroad grade crossings	189x	6/ 4/75	7/ 1/75
2840	Rapists, work release	247x	6/26/75	9/ 8/75
Sub 2855	Community college faculty tenure	112x	5/28/75	9/ 8/75
2861	Educational housing	145x	6/ 2/75	9/ 8/75
2862	Local government holidays	194x	6/ 6/75	9/ 8/75
2863	Pupils, physical safety	248x	6/26/75	9/ 8/75
2886	Capitol office building	249x	6/26/75	6/26/75
2892	Port district, unclaimed property	28x	5/ 8/75	9/ 8/75

**Partial veto

<i>Senate Bill No.</i>	<i>Subject</i>	<i>Chapter Number</i>	<i>Date Signed</i>	<i>Effective Date</i>
2894	Ambulance service liens	250x	6/26/75	9/ 8/75
2895	Blind vendors	251x	6/26/75	9/ 8/75
2904	Dairy products	136x	6/ 2/75	9/ 8/75
2910	License plates issuance, fee	146x	6/ 2/75	9/ 8/75
2913	Physician assistants	190x	6/ 4/75	9/ 8/75
Sub 2937	Motor vehicle excise tax		Vetoed	
2944	Asian development bank, investments	252x	6/26/75	9/ 8/75
2945	Sewer district merger	86x	5/26/75	9/ 8/75
2957	Driver license fees increase	191x	6/ 4/75	9/ 8/75
2960	Emergency services, duties	113x	5/28/75	9/ 8/75
Sub 2966	Fire districts, LID bonds	130x	5/31/75	5/31/75

**SENATE MEMORIALS AND RESOLUTIONS PASSED
BY THE SENATE AND HOUSE
1975**

**FORTY-FOURTH LEGISLATURE
REGULAR AND FIRST EXTRAORDINARY SESSIONS**

SENATE JOINT MEMORIALS

<i>Number</i>	<i>Subject</i>
105	Highway aid
108	National forest, reforestation
110	Duck hunting

SENATE JOINT RESOLUTIONS

101	Judicial system
Sub 127	Citizen salary commission

SENATE CONCURRENT RESOLUTIONS

101	Washington/British Columbia governmental cooperation
105	Joint rules
107	Legislative bills, status
108	Adjournment sine die
109	Legislative bills, reintroduction
111	Volunteer week
117	Bills, retransmit, retain
118	Adjournment sine die
119	Senate bill 2736, thirty-six hour rule suspension

HOUSE BILLS PASSED BY THE SENATE AND HOUSE SHOWING THE ACTION BY THE GOVERNOR THEREON 1975

FORTY-FOURTH LEGISLATURE REGULAR AND FIRST EXTRAORDINARY SESSIONS

<i>House Bill No.</i>	<i>Subject</i>	<i>Chapter Number</i>	<i>Date Signed</i>	<i>Effective Date</i>
1	Irrigation districts insurance	14	3/21/75	6/12/75
2	Leaseholds, mortgage terms	154x	6/ 3/75	9/ 8/75
12	Viet Nam veterans' bonus	273x	7/ 2/75	9/ 8/75**
15	Pharmacists, immunities	114x	5/29/75	9/ 8/75
16	Labor and Industries department orders appeal..	58x	5/22/75	9/ 8/75
17	Law libraries, counties	37	3/24/75	6/12/75
18	Dentistry, board, exams	49	3/27/75	3/27/75
Sub 24	Soldiers' home admissions	13	3/20/75	3/20/75
Sub 29	Gambling commission		Vetoed	
31	Counties, urban renewal	3	1/31/75	1/31/75
Sub 32	Minimum wage laws	289x	7/ 2/75	9/ 1/75
Sub 40	Health maintenance organizations.....	290x	7/ 2/75	9/ 8/75
42	Public agencies, cooperation act	115x	5/29/75	9/ 8/75
Sub 47	Urban areas, urban arterials	253x	6/27/75	9/ 8/75
48	Emergency care liability	58	4/ 5/75	6/12/75
49	Civil commitment, suicide	199x	6/16/75	9/ 8/75
Sub 62	County ambulance service.....	147x	6/ 2/75	6/ 2/75
63	Stock restricted area	38	3/24/75	6/12/75
Sub 67	Mayors, popular elections	155x	6/ 3/75	9/ 8/75
Sub 73	Frozen food labeling	39	3/24/75	6/12/75
Sub 86	Government contractors sales tax	90x	5/27/75	7/ 1/75
Sub 87	Noxious weeds control	13x	4/28/75	9/ 8/75
92	Shoplifting, civil actions	59x	5/22/75	9/ 8/75
95	Eggs, egg production	201x	6/16/75	7/ 1/75
100	Pollution control	6	3/ 6/75	3/ 6/75
104	State cars, assignment	33x	5/12/75	9/ 8/75
105	Motor pool transferred	167x	6/ 4/75	6/ 4/75
106	Administrative board abolished	40	3/24/75	6/12/75
Sub 111	Supplemental budget	9	3/17/75	3/17/75**
112	SPI sick leave fund	60x	5/22/75	6/30/75
117	Transportation tax study	2	1/29/75	1/29/75
119	Campers, dealers, licensing	41	3/24/75	6/12/75
123	Game law violations	57	3/31/75	6/12/75
124	Firewood cutting permits	10	3/20/75	6/12/75**
Sub 126	Obscene materials	156x	6/ 3/75	9/ 8/75
127	Television improvement districts	11	3/20/75	6/12/75
129	Hospital commissioners compensation	42	3/24/75	6/12/75
130	Small claims judgments	40x	5/15/75	9/ 8/75
131	School year, effort maintenance.....	23x	5/ 8/75	5/ 8/75
Sub 132	Personalized license plates	59	4/ 5/75	6/12/75

**Partial veto

HOUSE BILLS PASSED BY SENATE AND HOUSE—Continued.

<i>House Bill No.</i>	<i>Subject</i>	<i>Chapter Number</i>	<i>Date Signed</i>	<i>Effective Date</i>
138	School districts	43	3/24/75	7/ 1/75
139	Public lands materials sales	52x	5/16/75	9/ 8/75
141	Livestock theft	61x	5/22/75	9/ 8/75
142	Administrative proceedings decisions	12	3/20/75	6/12/75
144	Failure to render aid	210x	6/20/75	9/ 8/75
154	Charitable solicitations	219x	6/26/75	9/ 8/75
155	Prosecuting attorneys	19x	5/ 6/75	5/ 6/75
158	School superintendent housing	41x	5/15/75	5/15/75
159	Convict-made goods	44	3/24/75	6/12/75
160	Mutual bank deposit certificates	15	3/21/75	3/21/75
162	Justices of peace, district court judges, attorney requirement	197x	6/16/75	6/16/75
Sub 164	Transportation department created		Vetoed	
170	Propane, motor vehicles, tax	62x	5/22/75	9/ 8/75
171	Motor vehicle gross weight	168x	6/ 4/75	7/ 1/75
172	Public vehicles, identity	169x	6/ 4/75	9/ 8/75
173	Teachers' authority	254x	6/27/75	9/ 8/75
174	Corporate boundary lines	220x	6/26/75	9/ 8/75
175	Motor vehicle gross weight	63x	5/22/75	9/ 8/75
176	Public employees deferred compensation.....	274x	7/ 2/75	9/ 8/75
Sub 177	All-terrain vehicles	34x	5/12/75	7/ 1/75
Sub 183	Public works, bid limit	64x	5/22/75	9/ 8/75
Sub 184	College, fee exempt over sixty.....	157x	6/ 3/75	9/ 8/75
189	Water districts, commissioners' travel.....	116x	5/29/75	9/ 8/75
Sub 198	Insurance code revisions	266x	6/30/75	9/ 8/75
199	Osaka exposition	45	3/24/75	6/12/75
205	Intermediate school districts redesignated as educational service boards	275x	7/ 2/75	9/ 8/75**
Sub 206	Capital budget	276x	7/ 2/75	7/ 2/75**
Sub 207	Off-street parking	221x	6/26/75	9/ 8/75
Sub 208	Rape laws revised	14x	4/28/75	9/ 8/75
Sub 211	Farm implements, car dealers	277x	7/ 2/75	1/ 1/76
Sub 212	Amusement games	166x	6/ 4/75	6/ 4/75**
218	State employees insurance board	38x	5/13/75	9/ 8/75
Sub 219	Community college capital projects	65x	5/22/75	5/22/75
Sub 220	Railroad safety inspections.....		Vetoed	
226	Bill drafting, session laws	5	2/28/75	2/28/75
230	Road condition signs	255x	6/27/75	9/ 8/75
Sub 239	Employees insurance benefits	117x	5/29/75	5/29/75
Sub 246	Medical malpractice proof	35x	5/12/75	9/ 8/75
Sub 249	Vehicle tonnage fees	196x	5/15/75	9/ 8/75
265	Teachers retirement appropriation process.....	148x	6/ 2/75	9/ 8/75
267	Pollution control credits	158x	6/ 3/75	9/ 8/75
276	Municipal corporations liability insurance.....	16	3/21/75	6/12/75
278	Nursing homes, accounting	213x	6/19/75	9/ 8/75

**Partial veto

HOUSE BILLS PASSED BY SENATE AND HOUSE—Continued

House Bill No.	Subject	Chapter Number	Date Signed	Effective Date
279	Hard to place adoptions	53	3/31/75	3/31/75
Sub 294	Credit union, miscellaneous revisions	222x	6/26/75	9/ 8/75
295	Bank conservators	87x	5/26/75	5/26/75
305	Motor vehicles, staggered registration	118x	5/29/75	1/ 1/77
Sub 308	Optometry	69x	5/23/75	9/ 8/75
310	Test fishing revenue	223x	6/26/75	9/ 8/75
311	Corporate reinstatements	36x	5/12/75	9/ 8/75
314	World fair bond fund	149x	6/ 2/75	9/ 8/75
316	State warrants	48	3/27/75	6/12/75
324	Cargo containers tax exempt	20x	5/ 6/75	9/ 8/75
338	Apprentice electricians	70x	5/23/75	9/ 8/75
339	Apprentice plumbers	71x	5/23/75	9/ 8/75
Sub 340	University of Washington museum documents	159x	6/ 3/75	9/ 8/75
344	Industrial insurance general revisions	224x	6/26/75	7/ 1/75
350	Hotel, motel taxes	225x	6/26/75	6/26/75
354	Revenue department, designations	278x	7/ 2/75	9/ 8/75**
357	Dump truck, monthly license		Vetoed	
366	Fuel tax, interstate	42x	5/15/75	9/ 8/75
377	Game and fishing license fee (see bill)	15x	4/28/75	Various
383	School district budget salaries	202x	6/16/75	9/ 8/75
385	Cattle, sale assessment	93x	5/28/75	9/ 8/75
388	Justice court jury summons	119x	5/29/75	9/ 8/75
Sub 389	Private preschool unemployment compensation	67x	5/22/75	5/22/75
Sub 395	Anatomical gifts	54	3/31/75	6/12/75
406	Teachers, retired, insurance	17	3/21/75	6/12/75
Sub 409	Electricians, general, special	92x & 195x	5/27/75 5/27/75	5/27/75** 6/ 8/75
410	Port, public utility districts, claims	60	4/ 5/75	6/12/75
Sub 413	Schools, sex discrimination	226x	6/26/75	9/ 8/75
422	Destroyed, property tax adjustment	120x	5/29/75	9/ 8/75
423	Assessment correction notice	160x	6/ 3/75	9/ 8/75
Sub 427	Highways, capital projects appropriations	279x	7/ 2/75	7/ 2/75**
Sub 428	Highways, reimbursable expenditures appropriation	227x	6/26/75	6/26/75
431	Aged persons, medication	43x	5/15/75	9/ 8/75
Sub 435	Public service companies		Vetoed	
436	Unemployment compensation revisions	228x	6/26/75	6/29/75
437	Highway signs	271x	7/ 1/75	7/ 1/75
451	Cigarette excise tax	22x	5/ 6/75	9/ 8/75
456	Water supply bonds	18	3/21/75	6/12/75
461	PUDs maintenance assessment	46	3/24/75	3/24/75
464	Indians' airports	161x	6/ 3/75	9/ 8/75
467	Candidates pictures	162x	6/ 3/75	9/ 8/75
468	Armory fund abandonment	121x	5/29/75	7/ 1/77
474	City ambulance service	24x	5/ 8/75	9/ 8/75

**Partial veto

HOUSE BILLS PASSED BY SENATE AND HOUSE—Continued

<i>House Bill No.</i>	<i>Subject</i>	<i>Chapter Number</i>	<i>Date Signed</i>	<i>Effective Date</i>
475	Higher education financial impact.....	122x	5/29/75	9/ 8/75
Sub 479	Jurors qualifications	203x	6/16/75	9/ 8/75
480	L & I revolving fund created	123x	5/29/75	9/ 8/75
Sub 484	Juvenile program administration	124x	5/29/75	9/ 8/75
486	County ferries, support	21x	5/ 6/75	5/ 6/75
Sub 511	Milk production, costs		Vetoed	
Sub 527	Puget Sound, oil tankers	125x	5/29/75	9/ 8/75**
530	Irrigation districts	163x	6/ 3/75	9/ 8/75
536	Health insurance contractors		Vetoed	
537	School funds investment	47	3/24/75	1/ 1/76
544	Joint operating agencies	37x	5/12/75	9/ 8/75
561	Alcoholic beverages, import	256x	6/27/75	9/ 8/75
573	Grass burning research	44x	5/15/75	5/15/75
578	Pupil/teacher ratio	211x	6/20/75	7/ 1/76
587	West Seattle access development	267x	6/30/75	6/30/75
Sub 591	International trade fairs funding	292x	7/ 2/75	9/ 8/75
595	Camping club practices	150x	6/ 2/75	9/ 8/75
606	Young adults, class H premises.....	204x	6/16/75	9/ 8/75
612	Public accountants	229x	6/26/75	9/ 8/75
619	Alcohol abuse materials	164x	6/ 3/75	9/ 8/75
620	Universities retirement plan	212x	6/19/75	6/19/75
627	Pupil transfers	66x	5/22/75	9/ 8/75
Sub 651	Chiropractors.. ..	39x	5/13/75	5/13/75
Sub 664	Thermal insulation standards		Vetoed	
665	Public auction, state material.....	45x	5/15/75	5/15/75
675	Unanticipated funds	293x	7/ 2/75	7/ 2/75**
Sub 693	Public contracts advertisements	230x	9/ 8/75	9/ 8/75
695	Liens enforcement	231x	6/26/75	9/ 8/75
707	Small loan companies		Vetoed	
2nd Sub 720	College degree titles	232x	6/26/75	9/ 8/75
733	Solid waste collection	208x	6/19/75	9/ 8/75
750	Libraries, book payments	72x	5/23/75	9/ 8/75
752	School district expenses	151x	6/ 2/75	9/ 8/75
760	Retirement allowance deductions	73x	5/23/75	9/ 8/75
Sub 762	Winter recreational parking	209x	6/18/75	9/ 8/75
763	Juvenile court jurisdiction	170x	6/ 4/75	6/ 4/75
774	Massage therapists	280x	7/ 2/75	9/ 8/75**
Sub 788	Physicians, surgeons, changes relating to.....	171x	6/ 4/75	9/ 8/75
796	Rental deposit transfers	233x	6/26/75	9/ 8/75
798	Industrial insurance medication	234x	6/26/75	9/ 8/75
806	Winter sports conveyances	74x	5/26/75	9/ 8/75
Sub 818	Motor vehicle removals	281x	7/ 2/75	9/ 8/75**
825	Teachers deferred compensation	205x	6/16/75	9/ 8/75
2nd Sub 827	Public disclosure	294x	7/ 2/75	7/ 2/75**
Sub 860	Legislative transportation committee studies.....	268x	6/30/75	6/30/75

**Partial veto

HOUSE BILLS PASSED BY SENATE AND HOUSE—Continued

<i>House Bill No.</i>	<i>Subject</i>	<i>Chapter Number</i>	<i>Date Signed</i>	<i>Effective Date</i>
861	Legislative budget	16x	5/ 1/75	5/ 1/75**
Sub 866	General state government budget	269x	7/ 2/75	6/30/75**
Sub 867	Washington futures program	295x	7/ 2/75	7/ 2/75**
Sub 932	Commercial fishermen loans	152x	6/ 2/75	6/ 2/75
962	Agriculture inspection	257x	6/27/75	7/ 1/75
Sub 972	DSHS facilities, bonds	258x	6/27/75	6/27/75
988	Presidential primaries		vetoed	
2nd Sub 1007	Elected officials salaries	263x	6/30/75	7/ 1/75
1026	Veterans' widows, employment	198x	6/30/75	9/ 8/75
1029	Sheriff, police chief association.....	172x	6/ 4/75	9/ 8/75
1031	District court judge, Lincoln county.....	153x	6/ 2/75	9/ 8/75
1035	Thermal power plant sites	206x	6/16/75	6/16/75
1043	Temporarily disabled workmen	235x	6/26/75	9/ 8/75
1050	Grain inspections, appropriations	75x	5/26/75	5/23/75
1051	Game funds, investment	207x	6/16/75	9/ 8/75
1075	Construction funds transfer	91x	5/27/75	9/ 8/75**
1077	Building code duplicate authority.....	282x	7/ 2/75	9/ 8/75
Sub 1078	Forest practices act revised.....	200x	6/16/75	6/16/75
Sub 1091	University of Washington hospital bonds.....	88x	5/26/75	5/26/75
Sub 1141	Bellevue-Seattle highway	272x	7/ 1/75	7/ 1/75
Sub 1143	Community colleges, capital projects	236x	6/26/75	6/26/75
2nd Sub 1146	Higher education, capital projects	237x	6/26/75	6/26/75
Sub 1174	Berry picking by children	238x	6/26/75	6/26/75
Sub 1178	Central payroll system	239x	6/26/75	7/ 1/75
Sub 1204	Artificial honey products	283x	7/ 2/75	9/ 8/75**

**Partial veto

**HOUSE MEMORIALS AND RESOLUTIONS PASSED
BY THE SENATE AND HOUSE
1975**

**· FORTY-FOURTH LEGISLATURE
REGULAR AND FIRST EXTRAORDINARY SESSIONS**

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4	Natural gas supply conference
7	Elderly hot lunch program
8	Food stamp prices, reduction
15	Federal fiscal data
16	Federal budget information
17	Federal working relationship
18	Deep River post office
24	Apple blossom, national flower

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ALSO

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2039. Senator Beck: Permitting dismissal of traffic citations for drivers with good records.	45
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2051. Senator Day : Increasing professional engineer and land surveyor fees.	46	193	467	467	467	588	588	613	Signed p. 743 CH. 23
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2057. Senators Day and McDermott: Involving the hospital commission in medical facilities planning.	55	
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2071. Senators Bottiger, Woody and Scott: Increasing fees for service in process.	57	369	666	666	666, 1530	673, 1530	1530	1552	1639	Signed p. 1864 CH. 94 EX.
2072. Senators Bottiger, Scott and Woody: Authorizing recording of communications in certain situations.	57	369	492	493, 637	493, 638	SCR 107, SCR 117
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2076. Senator Rasmussen: Prohibiting any agency from paying dues or contributions to any group, association, or organization which does not make its records public.	59
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2082. Senators Walgren, Sellar, Talley and Wilson: Permitting fire districts to charge fees to reimburse themselves for funds expended on first aid vehicles and ambulances.	60	183	291	291	599, 600, 614	291, 614	599, 613	624	624	Signed p. 2510 CH. 64 P.V.
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2108. Senators Clarke, Francis and Jones (by Uniform Law Commission request): Enacting the uniform foreign money-judgments recognition act.	95	369, 472, 1049	1193	1193	1193	2276	2237	2382	Signed p. 2529 CH. 240 EX.
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Action by Governor

Signed by Speaker of the House

Signed by President of the Senate

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2244.	Senators Knoblauch, Guess, Rasmussen and Beck: Regulating hitchhiking.	137	752
2244.	(SUBSTITUTE) Judiciary Committee (originally sponsored by Senators Knoblauch, Guess, Rasmussen and Beck): Regulating hitchhiking. ....	.....	.....	1345	1347	.....	1347	SCR 117	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
2245.	Senators Cunningham and Goltz: Giving community colleges like authority to have police forces as now applicable to the universities and state colleges.	137	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
2246.	Senators Guess, Odegaard, Goltz and Benitz: Exempting certain state and community college employees from payment of fees.	137	184	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
2247.	Senators Francis and Grant: Adding an elected retired member position to teachers' retirement system board of trustees and providing an increase in pensions.	140	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
2248.	Senators Francis, von Reichbauer and Gould: Mandating increased state fund of school districts to relieve district general fund excess levies and raise funding for districts with inadequate tax base.	140	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
2249.	Senators Woody, Clarke and Walgren (by State Treasurer request): Providing for the qualification and regulation of public depositories.	141	380	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
2249.	(SUBSTITUTE) Committee on Financial Institutions (originally sponsored by Senators Woody, Clarke and Walgren) (by State Treasurer request): Providing for the qualification and regulation of public depositories. ....	.....	.....	497	497, 645	.....	497, 645	SCR 107, 1492	1516	1519	Signed p. 1727 'CH. 77 EX.										
2250.	Senators Francis and Clarke: Making state laws and rules and regulations presently applicable to cities of 500,000 or more applicable to cities of 400,000 or more.	141	216	332	332	333	569	574	588	Signed p. 744 CH. 33										

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2263. Senators Mardesich, Bailey, Matson, Benitz and Talley: Providing a collective bargaining act for certain community college employees.	143	816								
2263. (SUBSTITUTE) Committee on Higher Education (originally sponsored by Senators Mardesich, Bailey, Matson, Benitz and Talley): Providing a collective bargaining act for certain community college employees.			1859	1862		1862	SCR 117			
2264. Senators Walgren and Bottiger: Requiring certification for major energy facilities.	143									
2265. Senators Woody, Walgren and Bluechel: Revising regulations of alien banks.	143	447	961	961		962	2358	2445	2450	Signed p. 2514 CH. 235 EX. P.V.
2266. Senators Woody, Walgren and Bluechel: Changing deadline date for stockholders meetings of banks.	143	194	341	341		341	569	574	588	Signed p. 744 CH. 35

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2277. Senators Bottiger, Newschwander, Sandison, von Reichbauer and Goltz: Exempting fire districts from the 106% property tax limitation...	156									
2278. Senators Ridder, McDermott, Goltz and Francis (by Department of Social and Health Services request): Providing sanctions for violation of nursing home standards; providing for inspections, reports, and provisional licensing.	156	869	1054	1056	1524	1056, 1525	1524	1552	1639	Signed p. 1865 CH. 99 EX.
2279. Senators Ridder, North, Goltz, Bailey, Buffington, McDermott, Gould and Lewis (Harry): Creating the Washington state women's council.	157									
2280. Senators Walgren, Bailey, North, Beck, Talley, Fleming, Sellar, Lewis (R. H. "Bob"), Ridder, Jolly, Goltz, Morrison, Gould, Day, Henry, Stortini and Wanamaker: Pertaining to financing municipal transportation systems.	157	1004								
2280. (SUBSTITUTE) Committee on Transportation and Utilities (originally sponsored by Senators Walgren, Bailey, North, Beck, Talley, Fleming, Sellar, Lewis (R. H. "Bob"), Ridder, Jolly, Goltz, Morrison, Gould, Day, Henry, Stortini, Wanamaker and ((Washington)): Pertaining to financing municipal transportation systems. ...	157	2282, 2290	1533	1545	1986, 2242, 2283, 2290	1547, 2290	1975, 2242, 2282, 2289	2358	2369	Signed p. 2521 CH. 270 EX.

2281. Senators Rasmussen and Lewis (Harry): Permitting city retirement systems to merge with the public employees' retirement system.	157	387	.....	.....	.....	.....	.....	.....	.....
2282. Senator Grant: Giving certificated employees of school district option to have accumulated leave compensated for at one half rate of compensation upon their resignation, termination or retirement.	157	.....	.....	.....	.....	.....	.....	.....	.....
2283. Senator Grant: Adding "employer lock-out" to exceptions of provision withdrawing unemployment benefits due to work stoppage.	157	.....	.....	.....	.....	.....	.....	.....	.....
2284. Senators Guess, Keefe, Rasmussen, Clarke and Peterson: Removing the authorization for the human rights commission to conduct tribunal hearings.	157	.....	.....	.....	.....	.....	.....	.....	.....
2285. Senators Lewis (R. H. "Bob"), Guess, Murray and Sellar: Deleting general election days as state legal holiday.	157	387	478	478, 646	.....	479, 646	SCR 107, SCR 117	.....	.....
2286. Senators Goltz, Rasmussen and Grant: Requiring banks to pay interest on savings accounts up to the date an account is closed.	158	.....	.....	.....	.....	.....	.....	.....	.....
2287. Senators Rasmussen, Stortini and Pullen: Revising law relating to commercial trolling.	158	459	.....	.....	1554	.....	.....	.....	.....
2288. Senators Walgren and Sandison: Defining an employee of the Washington toll bridge authority to include toll collectors on the Hood Canal floating bridge.	158	791	.....	.....	.....	.....	.....	.....	.....
2289. Senators Walgren, Peterson, Wanamaker and Beck: Designating the Washington State Marine Highway System.	158	.....	.....	.....	.....	.....	.....	.....	.....
2290. Senators Day and Walgren: Appropriating funds to counties to aid in operation of criminal justice system.	158	387, 791, 1379	1379	1381	1266	1381	SCR 117	.....	.....

2297. Senators Goltz and Woody: Increasing the number of Whatcom county superior court judges to three.	159	611	711	711	.....	711	1316	1337	1840	Signed p. 1490 CH. 49 EX.
2298. Senators Day, Buffington, Gould, North, McDermott and Bluechel (by Executive request): Enacting the Washington Formulary Act.	159	.....	.....	.....	.....	.....	.....	.....	.....	.....
2299. Senators Bailey, Lewis (Harry), Morrison and Van Hollebeke (by Department of Commerce and Economic Development request): Revising the powers and duties of the department of commerce and economic development.	159	.....	.....	.....	.....	.....	.....	.....	.....	.....
2300. Senators Sandison and Rasmussen: Permitting president of the Washington state historical society to have representative in his name on the Washington state board on geographic names.	159	236	404	405, 647	.....	405, 647	SCR 107, 1182	1187	1201	Signed p. 1339 CH. 26 EX.
2301. Senators Matson, Donohue and Morrison: Making certain changes in the laws relating to unemployment compensation.	159	.....	.....	.....	.....	.....	.....	.....	.....	.....
2302. Senators Henry, Wanamaker and Morrison: Permitting the quarterly purchase of certain motor vehicle tonnage.	159	.....	.....	.....	.....	.....	.....	.....	.....	.....
2303. Senators Sandison and Guess: Authorizing personalized license plates for pickup trucks.	160	.....	.....	.....	.....	.....	.....	.....	.....	.....
2304. Senators Pullen and von Reichbauer (by Executive request): Providing a telephone information service.	160	.....	.....	.....	.....	.....	.....	.....	.....	.....
2305. Senators Day, Buffington and Ridder: Establishing a program to coordinate research and study of diabetes.	163	.....	.....	.....	.....	.....	.....	.....	.....	.....
2306. Senators Day and Jones: Revising the law relating to usury.	163	676	858, 877, 895	859, 896	859, 877, 878	859, 897	1728	1826	1865	Signed p. 2226 CH. 180 EX.

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2313. Senators Morrison and Jones: Enacting a new criminal code relating to victimless crimes.....	171	472
2313. (SUBSTITUTE) Judiciary Committee (originally sponsored by Senators Morrison and Jones): Enacting a new criminal code relating to victimless crimes. ....	.....	748, 783	748	750, 759, 783, 919	750	.....	.....
2314. Senators Morrison and Jones: Enacting a new criminal code relating to miscellaneous crimes.	171	473	821	823	824	SCR 117	.....
2315. Senators Washington, Goltz and Murray: Taxing economic benefits conferred on real property as a result of public moneys spent on improving transportation facilities.	173	.....	.....	.....	.....	.....	.....
2316. Senators Walgren, Fleming, Beck and McDermott: Including all veterans receiving benefits under G.I. Bill as resident students for the purposes of the higher education code.	173	.....	.....	.....	.....	.....	.....
2317. Senator Lewis (R. H. "Bob"): Requiring explanatory statement on voters' pamphlet.	173	668	886	886	887	.....	.....
2318. Senators Donohue, Rasmussen, Jolly, Guess, Peterson, Day and Benitz: Transferring the powers, duties, and functions of the department of ecology relating to water and water pollution to the department of natural resources.	173	.....	.....	.....	.....	.....	.....
2319. Senators Donohue, Day, Odegaard and Peterson: Requiring secretary of social and health services to make certain expenditures.	173	.....	.....	.....	.....	.....	.....
2320. Senators Ridder, Talley and Morrison (by Department of Labor and Industries request): Relating to public works contracts.	173	.....	.....	.....	.....	.....	.....
2321. Senators Grant and Stortini: Authorizing accumulated leave of classified school district employees to be used for retirement purposes.	173	1180

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2335. Senators Grant and Washington: Facilitating the reporting of political activities.	186									
2336. Senators Bottiger, Beck and Guess (by Utilities and Transportation Commission request): Making changes in the laws relating to public service companies.	187	298	787	787		787	SCR 117			
2337. Senators Walgren, Francis and Clarke: Defining crime of negligent homicide by means of a motor vehicle.	187									
2338. Senators Bailey, Benitz and Newschwander: Abolishing coordinating council for occupational education.	187									
2339. Senator Day (by Department of Social and Health Services request): Authorizing DSHS to establish a fee schedule for licenses, permits and certifications.	187									
2340. Senators Morrison, Walgren, Rasmussen, Matson and Cunningham: Requiring legislative review of all proposed administrative rules.	187									
2341. Senators Bottiger, Beck and Matson (by Utilities and Transportation Commission request): Making certain changes in the laws relating to public service companies.	195	473, 2246	889	889, 2370	1806, 1836, 2246, 2285	889, 1806, 2284, 2370	1806, 2246, 2283	2445	2450	p. 2514 Vetoed

2342. Senators Rasmussen, Henry and Wanamaker (by State Auditor request): Requiring state auditor to audit municipal associations.	195	668	1363	1363	.....	1363	SCR 117	.....	.....	.....
2343. Senators Beck, Walgren and Stortini: Requiring accident reports for bicyclists.	195	380	512, 513, 522	512, 522, 647	.....	523, 648	SCR 107, SCR 117	.....	.....	.....
2344. Senators Bluechel, Beck, Walgren and North: Increasing the minimum amount of motor vehicle funds to be spent on pedestrian, equestrian, and bicycle trails.	195	.....	.....	.....	.....	.....	.....	.....	.....	.....
2345. Senators Stortini, Beck and Murray (by Washington Traffic Safety Commission request): Requiring drivers and passengers in automobiles to use seatbelts.	195	816	.....	.....	.....	.....	.....	.....	.....	.....
2346. Senators Matson and Donohue (by Superintendent of Public Instruction request): Changing requirements relating to sale of real property by school districts.	196	760, 2469	890, 949	949	891, 1744, 2192, 2457, 2469	949, 2469	1744, 2192, 2247, 2456, 2469	2500	2500	Signed p. 2521 CH. 243 EX.
2347. Senators Beck, Sellar and Walgren: Requiring new types of sewer grates to promote bicycle safety.	196	.....	.....	.....	.....	.....	.....	.....	.....	.....
2348. Senators Walgren, Guess, Knoblauch and Beck: Requiring cities, towns, and counties to report to director of highways on plans for bicycle, pedestrian, and equestrian expenditures.	196	761	890	890	2361	890, 2361	2360	2450	2450	Signed p. 2520 CH. 215 EX.
2349. Senators Day and Mardesich: Removing authorization to accept applications for support enforcement services for persons not receiving public assistance.	196	.....	.....	.....	.....	.....	.....	.....	.....	.....
2350. Senators Walgren, Bottiger, Guess, Knoblauch, Beck and Sellar: Defining bicycles as vehicles for purposes of "Rules of the Road".....	196	380	483	483	599	483	599
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2360. Senator Goltz (by Executive request): Redesi- gnating three of the state colleges as regional universities.	197
2361. Senators Stortini, Ridder, Beck and Grant: Permitting persons to work more than nine hours in a twenty-four hour period under certain circumstances.	199
2362. Senators Matson, Bottiger and Beck (by Util- ities and Transportation Commission request): Making changes in the laws relating to public service companies.	206
2363. Senators Day, Murray, Fleming and Cunning- ham (by Executive request): Changing the board of prison terms and paroles.	206	791, 1041
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2365. Senators Rasmussen, Newschwander and Cun- ningham: Authorizing right of self defense without legal jeopardy and right to aid others in danger plus possible indemnity by state.....	207
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2367. Senators Bottiger, Beck and Matson (by Util- ities and Transportation Commission request): Making certain changes in the laws relating to transportation.	208	473	892, 945, 960	960	892, 947	960	SCR 117

2375. Senators Guess, Washington and Beck: Ex- empting solar heating equipment in homes from sales and use taxes.	209	707	978	978	978	SCR 117
2376. Senators Guess and Cunningham: Prescribing rights of private property owners.	210	995
2376. (SUBSTITUTE) Committee on State Govern- ment (originally sponsored by Senators Guess and Cunningham): Prescribing rights of pri- vate property owners.	1084, 1147, 1187	1084, 1152, 1190, 1249, 1282	1187, 1288	1190, 1288	SCR 117
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2378. (SUBSTITUTE) Committee on State Govern- ment (originally sponsored by Senator Ras- mussen): Requiring legal publications in news- papers to be printed in regular size type.	963, 964	964	965
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2398. Senators Woody and Bottiger: Regulating court reporters.	220	829	1059, 1069	1069	1060	1069	SCR 117
2399. Senators Walgren, Bailey, Morrison and Sellar (by Office of Community Development request): Authorizing counties to own and operate public transportation.	220
2400. Senators Goltz and Francis: Declaring that punitive damage awards are generally not against public policy.	227	676
2401. Senators Grant, Mardesich, Bailey and Ridder: Providing for adjustment of workmen's com- pensation payments.	238	369, 2374	1178, 1182	1187	1179, 1193, 1812, 2374	1187, 2374	1812, 2083, 2374	2445	2450	Signed p. 2515 CH. 286 EX. P.V.
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2403. Senators Jones, Francis and Wanamaker: Pro- viding arrest procedures for specified traffic offenses.	227	369	711, 786, 794	795	712, 787, 2403	795, 2403	2378	2445	2450	Signed p. 2522 CH. 287 EX.

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2416. Senators Francis, Clarke and Fleming: Changing requirements for foreclosing a deed of trust.	229	676	859	860	1644	861, 1644	1643	1674	1717	Signed p. 2070 CH. 129 EX.
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2419. Senators Francis, Fleming and North: Prescribing procedural changes in law governing human rights commission.	238	752								

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2434. Senator Rasmussen: Permitting the state finance committee to invest in paper secured by the sale or lease of equipment of a corporation located in the state.	251	459	501	501, 649	501, 650	SCR 107, 1492	1516	1519	Signed p. 1727 CH. 81 EX.
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2437. Senators Francis and Clarke: Deleting insanity as a defense in criminal trials.	251
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2439. Senator Pullen: Raising the amount of money a resident of a state residential school may lawfully possess before the superintendent must reimburse the department for care.	252	677
2440. Senator Pullen: Requiring the board of prison terms and paroles to take action by either a majority or two-thirds majority in certain cases.	252	538	714	715	715	SCR 117
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2461. Senators Guess, Benitz and Wilson (by Executive request): Revising law on withdrawal of public ground water.	275	447	704, 730		706, 733					
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2463. Senators Sandison, Newschwander, Stortini, Odegaard, Guess and Donohue (by Senate Select Committee on Vocational Education request): Relating to vocational education. ...	285	612								
2463. (SUBSTITUTE) Committee on Higher Education (originally sponsored by Senators Sandison, Newschwander, Stortini, Odegaard, Guess and Donohue (by Senate Select Committee on Vocational Education request): Relating to vocational education.			682	684	1743, 1751	686, 1751	1738	1826	1865	Signed p. 2517 CH. 174 EX. P.V.

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2492. Senators Day and McDermott (by Department of Social and Health Services request): Providing for community mental health service areas.	301	869, 1161								
2493. Senators Rasmussen and von Reichbauer: Permitting transfer between the LEFF and state patrol retirement systems.	301	460								
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2611. Senator Lewis (R. H. "Bob") (by Secretary of State request): Providing for automatic transfer of voter registration in county when address appears changed on precinct list of voters.	358	669	947	947, 953	948, 953, 998, 1751	953, 1751	1750	1827	1865	Signed p. 2226 CH. 184 EX.
2612. Senators Washington and Sellar: Requiring public hearings prior to exchange of state trust lands.	358									
2613. Senators Marsh, Francis and Jones: Authorizing pre-trial diversion programs approved by the court.	358	914	984	986	2363	986, 2363	2363	2450	2450	Signed p. 2521 CH. 244 EX.
2614. Senator Rasmussen: Changing the laws relating to personalized license plates.	358									
2615. Senators Day, Jones and von Reichbauer: Requiring prosecuting attorneys to represent petitioners in cases of involuntary commitment of alcoholics.	359	981								
2616. Senators Wilson, Newschwander and Day: Requiring notice and a hearing before an exchange of state land.	359	634								
2616. (SUBSTITUTE) Committee on Natural Resources (originally sponsored by Senators Wilson, Newschwander and Day): Requiring notice and a hearing before an exchange of state land.			692	693	1514	693, 1515	1514	1549	1639	Signed p. 1865 CH. 107 EX.
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2618. Senator Rasmussen: Relating to public contracts.	359	800								
2618. (SUBSTITUTE) Committee on State Government (originally sponsored by Senator Rasmussen): Relating to public contracts.			1043, 1046	1048	1043	1048	SCR 117			

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2619. Senators Day, Buffington and McDermott: Providing a state-wide medical education system for family practice training.	359	448, 752	905	905	906	1552	1628	1639	Signed p. 1865 CH. 108 EX.
2620. Senators Mardesich, Bottiger, Rasmussen, Matson, Lewis (Harry) and Sellar: Requiring cities, towns and counties to accomplish comprehensive planning by January 1, 1979.	359	.....	.....	.....	.....	.....	.....	.....	.....	.....
2621. Senators Day, Buffington and Jones: Establishing a state board of osteopathic medicine and surgery.	359	.....	.....	.....	.....	.....	.....	.....	.....	.....
2622. Senators Marsh, Scott and Sandison (by Executive request): Authorizing compact among Washington, Oregon and Idaho for the conservation and management of anadromous fish.	359	.....	.....	.....	.....	.....	.....	.....	.....	.....
2623. Senators Marsh and Stortini: Requiring reports of child abuse to be forwarded to the prosecuting attorney for investigation and action.	359	899, 2083, 2215, 2243	979	980	1650, 1732, 1750, 2083, 2215, 2246, 2277	981, 2279	1646, 1732, 1750, 1873, 2083, 2215	2445	2450	Signed p. 2520 CH. 217 EX.
2624. Senators Marsh and Stortini: Extending deferred compensation plans.	360	.....	.....	.....	.....	.....	.....	.....	.....	.....

2625. Senator Pullen: Prohibiting cities, towns and counties from unilateral taking of real property for road purposes when approving plats and subdivisions.	360	.....	.....	.....	.....	.....	.....	.....	.....
2626. Senators Talley, Newschwander, Knoblauch and Grant: Prohibiting sale of beer, strong beer and wine by state liquor stores and increasing gallonage tax on wines.	360	.....	.....	.....	.....	.....	.....	.....	.....
2627. Senator Van Hollebeke: Requiring reduced property valuation ordered by the county board of equalization to be maintained and utilized by the assessor for three years.	360	.....	.....	.....	.....	.....	.....	.....	.....
2628. Senators Sandison, Benitz, Guess, Scott and Goltz: Enacting new law relating to regulation of postsecondary proprietary schools and their agents.	360	801, 956	.....	.....	924	.....	.....	.....	.....
2628. (SECOND SUBSTITUTE) Committee on Higher Education (originally sponsored by Senators Sandison, Benitz, Guess, Scott and Goltz): Enacting new law relating to regulation of postsecondary proprietary schools and their agents. ....	.....	1084, 1132	1132	1084	1133	SCR 117	.....	.....	.....
2629. Senators Cunningham, Day and McDermott: Licensing and regulating social workers.....	360	.....	.....	.....	.....	.....	.....	.....	.....
2630. Senators Talley, Stortini and Henry: Imposing death penalty for certain crimes.	361	.....	.....	.....	.....	.....	.....	.....	.....
2631. Senators Bailey and Ridder: Enacting a state labor-management relations act.	361	.....	.....	.....	.....	.....	.....	.....	.....
2632. Senators Walgren and Wanamaker: Making changes in the laws relating to railroads.....	361

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2634. Senators Mardesich and Lewis (Harry): Authorizing allowances for legislative members-elect.	361	996	1024	1024	1752	1024, 1752	1751	1827	1865	Signed p. 2226 CH. 185 EX.
2635. Senators Matson and Rasmussen (by Department of Personnel request): Authorizing the department of personnel to appoint hearing examiners.	361
2636. Senators Donohue, Sellar, Sandison and Matson: Implementing law relating to construction of Washington State University tree fruit research center and financing thereof.	361	544	858	858	858	1518	1549	1639	Signed p. 1865 CH. 109 EX.
2637. Senators Mardesich, Bailey and Matson: Authorizing environmental impact statement to be issued following design work.	361
2638. Senators Beck, Bottiger and Walgren: Amending distribution of drivers' license fees revenue.	362	870, 974
2639. Senator Beck (by Department of Motor Vehicles request): Enacting the motor vehicle repair responsibility act.	362

2656. Senators Ridder, Stortini, McDermott, Knoblauch, Marsh, Bottiger, Goltz, von Reichbauer, Wanamaker and North: Requiring pricing of consumer commodities.	382	480
2657. Senators North and Ridder: Permitting a minor fourteen years of age to consent to care and treatment after exposure to communicable disease and to consent to immunization and tuberculin tests.	382
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2659. Senator Pullen: Imposing additional specific duties on the board of prison terms and paroles.	382
2660. Senators North and Bluechel: Permitting nature conservancies to acquire open space for public use.	382	634	1255	1256	1256	SCR 117
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2662. Senator Fleming: Relating to agricultural labor relations.	382
2663. Senators North and McDermott: Permitting conditional licensing of alien physicians for work in county or city health departments....	382	701	904	904	2365, 2366	905	2364
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2669. Senators Morrison, Odegaard and Benitz: Increasing wine tax to fund grape research by the department of agriculture.	383									
2670. Senator Rasmussen: Revising liquor license requirements for common carriers.	383	707	1347	1348	1348	2358	2445	2450	Signed p. 2521 CH. 245 EX.
2671. Senators Fleming and Bluechel: Enacting the Washington Small Business Purchasing Act. ...	383	996								
2672. Senator Rasmussen: Providing for no-fault motor vehicle insurance.	383									
2673. Senators Odegaard and Lewis (Harry): Modifying the timber reserve fund distribution for 1975 and setting the time for calculation of harvest factors.	383	816								

2673. (SUBSTITUTE) Committee on Ways and Means (originally sponsored by Senators Odeggaard and Lewis (Harry): Modifying the timber reserve fund distribution for 1975 and setting the time for calculation of harvest factors.		1008	1008	1008	SCR 117	
2674. Senator Walgren: Requiring bidding on public contracts exceeding \$100,000.	383					
2675. Senator Lewis (R. H. "Bob"): Authorizing cities and towns to annex unincorporated areas situated wholly within municipal boundaries...	384					
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2680. Senator Donohue (by Department of Social and Health Services request): Providing for financial responsibility for care of physically and/or mentally deficient persons.	389					
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2708. Senators Murray and Gould: Mandating certain qualifications hereafter for teachers certificated for the first time in this state.	393
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2714. Senators Stortini, Rasmussen, Newschwander and Matson: Removing requirement for physical examination of out-of-state vehicles prior to registration.	410									
2715. Senators Gould and Stortini: Relating to school district budgets.	410	1265								
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2716. Senators Van Hollebeke, Woody and Marsh: Establishing a uniform three year period in which to audit excise tax returns for determination of deficient or excess payment.	410									
2717. Senators Scott, Gould and Francis: Establishing a system of public and private political campaign financing and regulating campaign contributions and expenditures.	411									
2718. Senator Woody: Requiring continuing education for licensed insurance brokers.	411	702	1058	1058		1058	SCR 117			

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2727. (SUBSTITUTE) Committee on Local Government (originally sponsored by Senator Sellar): Setting compensation for port commissioners...			1139, 1167	1139, 1169	1141, 1753	1169, 1753	1753	1827	1866	Signed p. 2226 CH. 187 EX.
2728. Senator Ridder: Making certain clarifications and modifications in the business and agricultural inventory laws.	412									
2729. Senator Bottiger: Changing the manner and procedures for the refund of taxes.	412									
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2730. (SUBSTITUTE) Committee on Agriculture (originally sponsored by Senators Lewis (Harry), Bailey, Murray, North, Peterson, Gould, Francis, Scott, Sandison, Guess and Bluechel): Prescribing requirements for humane treatment of animals.			1026	1026		1026	SCR 117			
2731. Senators Lewis (Harry) and Peterson: Providing for training in trapping before license is issued.	413	588	673, 678, 703	678, 703	675, 680, 703	704	SCR 117			

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2833. (SUBSTITUTE) Committee on Transportation and Utilities (originally sponsored by Senators Wanamaker, Jolly, Beck and Sellar): Relating to railroad grade crossing protective devices... ..			1034	1053	1034, 1816	1053, 1816	1815	1838	1866	Signed p. 2226 CH. 189 EX.
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2893. Senators Rasmussen and Fleming: Authorizing cities to abandon council-manager plan at any time.	671

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2919. Senator Day: Relating to a health planning agency.	721
2920. Senator Day: Relating to juvenile offenders.	721	721
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2937. Senator Walgren: Relating to transportation taxation.	723	996								
2937. (SUBSTITUTE) Committee on Transportation and Utilities (originally sponsored by Senator Walgren): Relating to transportation taxation.			1548	1548	1986, 2448	1548, 1986, 2448	1986	2044	2087	p. 2519 VETOED
2938. Senators Lewis (Harry), Morrison, Sellar, Guess, Grant, Peterson, Ridder and Matson: Authorizing the director of the department of labor and industries to establish industrial health and safety programs for employers. ...	723	1114, 1284								
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2952. Senator Lewis (R. H. "Bob"): Providing that flag exercises be held daily within the public schools.	724
2953. Senator Benitz: Permitting wineries to sell to consumers directly at retail.	725
2954. Senators Peterson, Donohue, Odegard, Talley, Guess, Matson, Wanamaker, Day, Rasmussen, Lewis (Harry), Bailey, Goltz, Wilson, Woody, Sandison, Mardesich, Henry, Walgren, Morrison and Lewis (R. H. "Bob"): Making changes in the laws relating to forest practices.	725	870	1255
2955. Senators Fleming, McDermott and Grant: Imposing surtax on oil refiners.	725
2956. Senators Jolly, Peterson and Sellar: Relating to the state building code.	740	997	1384	1384	727, 740	1384	SCR 117
2957. Senators Bottiger and Walgren: Increasing fees for driver's licenses.	725	870	1555	1555	1555	1825	1838	1866	Signed p. 2226 CH. 191 EX.

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103. Senator Rasmussen: Requiring decisions of federal reserve board and open market committee to be made in open session.	68								
104. Senator Rasmussen: Petitioning Congress to control entry of illegal aliens.	68	184	293	293, 650		293, 650	SCR 107, SCR 117		
105. Senators Bottiger, Morrison, Wanamaker, Beck and Walgren: Requesting aid to states for highway maintenance and construction.	160	248	345	345		345	557	558	576
106. Senators Guess, Henry, Wanamaker, Washington, Bottiger and Walgren: Requesting federal executive and legislative action to exempt asphalt from excise or import tax.	160	249	406	407, 650		407, 651	SCR 107, SCR 117		
107. Senators Pullen, Peterson and Rasmussen: Requesting the administration and Congress to take action relating to the Medicine Creek Treaty of 1854 and treaties, resolutions, and executive orders pertaining thereto.	2038								

108. Senators Peterson and Lewis (Harry): Memorializing the President and Congress to expand reforestation work on national forest lands.	187	273	408	408, 651	.....	408, 651	SCR 107, 763	764	801
109. Senators Marsh and Lewis (Harry): Memorializing Congress to modify Indian treaties relating to fishing rights.	314	.....	.....	.....	.....	.....	.....	.....	.....
110. Senators Sandison, Peterson, Benitz and Morrison: Memorializing Congress to exempt duck hunting from requirements of federal environmental policy act.	366	460	696	696	1202	696, 1202	1202	1237	1266
111. Senators Guess, Donohue, Jolly, Van Hollebeck, Goltz, Ridder, Stortini, Fleming, Bluechel, Benitz, Francis, Pullen, Beck, Buffington, Odegaard, Matson, Keefe, Wilson, Gould, North, Sellar, Lewis (Harry), Newschwander, Lewis (R. H. "Bob"), Day, Peterson and Murray: Requesting the President to attend the dedications of Lower Monumental, Little Goose, and Lower Granite dams.	366	899	1234	1234	.....	1234	SCR 117	.....	.....

109. Senators Bluechel, Woody, Fleming, Bailey, Francis, North and Washington (by Executive request): Authorizing the expenditure of public funds and the lending of public credit for public purposes.	210	557	210			
110. Senators Sandison, Keefe, Lewis (Harry), Marsh, Guess, Mardesich, Matson, Day, Bottiger, Sellar, Fleming, Stortini, Woody, Murray, Van Hollebeke, Benitz, McDermott, Goltz, Grant, Beck, von Reichbauer, Buffington and Talley (by Council on Higher Education request): Proposing constitutional amendment permitting aid to students attending both public and private post-secondary institutions of higher education.	210	236	304	304, 651	305, 651	SCR 107, SCR 117
111. Senators Francis, Day, Murray, Beck, Van Hollebeke, Jones, Washington, Matson, Goltz, Marsh, Newschwander, Knoblauch, Grant, Keefe, Buffington, Sellar, Talley, Fleming, Bottiger, von Reichbauer and McDermott (by Executive request): Proposing constitutional amendment permitting legislature to provide assistance to students in public and private schools and institutions of higher education.	2038					
112. Senators Beck and Guess: Removing the dismissal of a public employee or appointee as grounds for recall of an elected official.	2038					
113. Senators North, Ridder, Benitz and Gould: Limiting legislators and elected state officials to twelve consecutive years of service.	230					
114. Senators North, Beck and Gould: Authorizing court supervised redistricting if the legislature fails to accomplish such tasks.	230	544				
114. (SUBSTITUTE) Committee on Constitution and Elections (originally sponsored by Senators North, Beck and Gould): Authorizing court supervised redistricting if the legislature fails to accomplish such tasks.			1155	1160, 1190		
115. Senator Gould (by Executive request): Proposing a state constitutional convention.	253					

124. Senator Francis: Amending the Constitution to allow grant of pension to surviving spouse of public officers.	394	932	.....	.....	.....	.....	.....	.....	.....
125. Senators Murray, Gould, North and Buffington: Changing date and duration of legislative sessions and providing for the consideration of bills.	394	.....	.....	.....	.....	.....	.....	.....	.....
126. Senator Murray: Amending the Constitution to allow school districts to approve special levies for all following years until subsequently changed or removed.	394	.....	.....	.....	.....	.....	.....	.....	.....
127. Senators Knoblauch, Donohue, Mardesich, Matson, Clarke, Scott, Sellar and Jones: Establishing constitutionally a citizens' commission to set salaries of public officials. ..	394	1164	.....	.....	803	.....	.....	.....	.....
127. (SUBSTITUTE) Committee on Ways and Means (originally sponsored by Senators Knoblauch, Donohue, Mardesich, Matson, Clarke, Sellar and Jones): Establishing constitutionally a citizens' commission to set salaries of public officials.	2230, 2380	1257	.....	1258	1823, 1824, 2230, 2381	1258, 2381	1822, 1990, 2276, 2380	2454	2474
128. Senators Donohue and Odegaard: Amending the Constitution to authorize property tax relief for homeowners and renters.	430	.....	.....	.....	.....	.....	.....	.....	.....
129. Senator Mardesich: Amending the state constitution...	431	620	.....	.....	.....	.....	.....	.....	.....
129. (SUBSTITUTE) Committee on Constitution and Elections (originally sponsored by Senator Mardesich): Amending the state constitution. ....	.....	785, 818	.....	819	785	819	SCR 117	.....	.....
130. Senator North: Relating to reapportionment and redistricting.	431	.....	.....	.....	.....	.....	.....	.....	.....
131. Senator Stortini: Amending the state constitution.	431	2218	.....	.....	2128	.....	.....	.....	.....
131. (SUBSTITUTE) Committee on Ways and Means (originally sponsored by Senator Stortini): Amending the state constitution. ....	.....	2218, 2227	.....	2229	2220	2229	SCR 117	.....	.....
132. Senator Bailey: Amending the Constitution to prohibit regular and excess property tax levies for school support and authorizing a state income tax for school support. ..	131	1664	.....	.....	.....	.....	.....	.....	.....

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
133. Senators Marsh, Ridder and Bailey: Permitting carry-over of legislative measures from one session to the next of any legislature automatically.	718								
134. Senators Lewis (Harry), Mardesich, Beck, Day, Peterson, Matson, Murray, Bailey, Donohue, Knoblauch, Washington and Fleming: Setting legislators' salaries at \$8,400 per year.	741	830							

TITLE AND HISTORY OF SENATE CONCURRENT 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
101. Senators Mardesich, Clarke, Goltz, Sandison, Jones and Bluechel: Requesting establishment of the joint committee and Washington/British Columbia Governmental Cooperation.	47	184	278	278, 651	2379	278, 652, 2379	SCR 107 2378	2454	2474
102. Senators Marsh, Mardesich, Woody, Jones and Scott: Continuing pension studies.	111		111	111		111	SCR 107, SCR 117		
103. Senators Peterson and Lewis (Harry): Resolving to continue cooperation with other western states to coalesce positions relating to forest programs.	188	460	715	715		715	SCR 117		
104. Senators Grant, Morrison and Ridder: Providing task force to study problems related to employment in nursing homes.	253	753							
104. (SUBSTITUTE) Committee on Labor (originally sponsored by Senators Grant, Morrison and Ridder): Providing task force to study problems related to employment in nursing homes.			862, 934	934	862	934	SCR 117		
105. Senators Bailey and Mardesich: Adopting the joint rules of the Washington State Legislature.	316		317	317	401	317, 401	401	435	448
106. Senators Day, Jones and Guess: Directing the house and senate committees on parks and recreation to conduct hearings on proposed land trades by the state parks and recreation commission.	366	388			908				

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
107. Senators Bailey, Mardesich, Matson and Lewis (Harry): Providing for the return of bills to their respective houses.	616 .....	.....	616	616 .....	.....	616	625	627	627
108. Senators Bailey, Mardesich, Matson and Lewis (Harry): Informing governor legislature is ready to adjourn SINE DIE.	626 .....	.....	626	626	627, 628	626	627	627	627
109. Senators Bailey, Mardesich, Matson and Lewis (Harry): Reintroduction of measures introduced in the 44th reg- ular session.	632 .....	.....	632	632	727, 739	632	634	635	666
110. Senators Newschwander and Donohue: Mandating in- stitutions of higher education to consider comments of legislature and council on higher education prior to es- tablishing satellite campus.	742 .....	.....	.....	.....	.....	.....	.....	.....	.....
111. Senators Goltz, Murray and Morrison: Designating April 20-26 as "Volunteer Week '73".	764 .....	.....	765	765 .....	.....	765	1000	1006	1019
112. Senators Jolly, Sellar, Wilson, Benitz and Day: Recog- nizing the centennial celebration of state agriculture experiment stations and honoring the WSU Agricul- tural Research Center.	1350 .....	.....	2248	2248 .....	.....	2248 .....	.....	.....	.....
113. Senators Lewis (Harry), Matson, Scott and Murray: Pre- scribing cut-off dates for the consideration of legislative measures.	1488 .....	.....	.....	.....	1488 .....	.....	.....	.....	.....

114. Senators Lewis (Harry), Mardesich, Matson and Bailey: Prescribing cut-off dates for consideration of legislative measures	1488	1488	1488	1488	SCR 117		
115. Senators Lewis (Harry), Cunningham and Matson: Pre- scribing cut-off dates for consideration of legislative measures.	1729						
116. Senators Lewis (Harry), Matson, Newschwander, Clarke, Scott and Lewis (R. H. "Bob"): Prescribing date for legislature to adjourn SINE DIE.	1823	1846	1823, 1847				
117. Senators Bailey, Mardesich, Matson and Lewis (Harry): Providing for transmittal of bills between the houses...	2475	2476, 2497	2497	2498	2500	2500	2500
118. Senators Bailey, Mardesich, Matson and Lewis (Harry): Informing governor legislature is ready to adjourn SINE DIE.	2503	2504	2504	2507	2504	2504	2505
119. Senator Odegaard: Suspension of rules for Engrossed Substitute Senate Bill No. 2736.	2499	2499	2499	2499	2500	2500	2500

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. Senators Bailey, Mardesich, Lewis (Harry), and Matson: Notifying House that Senate is organized.	9					9 Adopted
2. Senators Bailey, Mardesich, Lewis (Harry) and Matson: Extending courtesies to former presidents, members and secretaries of the Senate.	9					9 Adopted
3. Senators Bailey, Mardesich, Lewis (Harry) and Matson: Providing for weekly payment of Senators and Senate employees. Providing each member the necessary supplies, equipment and materials required to operate the Senate.	9					10 Adopted
4. Senators Bailey, Mardesich, Matson, Lewis (Harry), Marsh, Clarke, Day, Newschwander, Keefe, Scott, Henry, Donohue, Walgren and Sandison: Adopting rules of the Senate.	68				85	85 Adopted
5. Senators Fleming, Francis and Grant: Honoring birthdate of Dr. Martin Luther King, Jr.	85					86 Adopted
6. Senators Sandison, Newschwander, Stortini, Guess, Odegaard, Donohue and Benitz: Continuing Senate select committee on vocational education.	86					86 Adopted
7. Senators Bailey and Mardesich: Adopting the standing committee structure of the Senate.	87					89 Adopted
8. Senators Bailey, Matson and Mardesich: Appointing select committee to study salaries of judges, elected officials and legislators.	180				181	181 Adopted
9. Senators Bailey, Newschwander and Knoblauch: Saluting Washington State American Revolution Bicentennial Commission.	203					204 Adopted

				295	
				Referred	
10. Senators von Reichbauer and Rasmussen: Commending Judge Elizabeth Shackelford.				to Rules	.....
					249
11. All 49 Senators: Declaring 1975 International Women's Year	249			250	Adopted
					316
12. Senators Bailey and Mardesich: Amending Senate Rule 55.	316				Adopted
					334
13. Senators Beck, Bailey, Cunningham, Pullen and Knoblauch: Declaring that Medal of Honor Grove is appropriate method of perpetuating a shrine to Medal of Honor recipients.				Referred	.....
				to Rules	.....
					375
14. Senators Odegaard, Talley, Morrison, Sellar, Jolly and Henry: Resolving that the Future Farmers of America continue outstanding activities and programs.	378				Adopted
					601
15. Senator Henry: Proclaiming full support of efforts of families and friends of American Prisoners of War and Missing in Action in Southeast Asia, and calling upon citizens to support their cause.	600		601		Adopted
					602
16. All 49 Senators: Creating special committee to deal with problems of the elderly.	601				Adopted
					602
17. Senators Matson and Bailey: Granting use of Senate Chamber and committee rooms to Youth Legislature being held in Olympia in 1975 and 1976.	602				Adopted
					627
18. Senators Bailey, Mardesich, Matson and Lewis (Harry): Appointing committee to notify House that the Senate is ready to adjourn the regular session of the forty-fourth legislature SINE DIE.	627			627, 628	Adopted
					632
19. Senators Bailey and Matson: Reappointing officers and committees of the regular session to their respective positions for the extraordinary session.	632				Adopted
					633
20. Senators Mardesich and Lewis (Harry): Providing for the appointment of a committee to notify the House that the Senate is ready to transact business for the extraordinary session.	633			633	Adopted
					655
21. All 49 Senators: Commending Archbishop Connolly for his service to the people of the state and wishing him well on his retirement.	654				Adopted
					718
				Referred	
22. Senator Talley: Regarding secession of Clatsop County from Oregon.				to Rules	.....

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
23. Senators Jones and Clarke: Congratulating Coach Zahradnitzki and members of Bellevue High School girls basketball team.	803	.....	.....	.....	.....	803 Adopted
24. Senators Ridder and Fleming: Congratulating Cleveland High School Eagles of Seattle on their basketball championship.	804	.....	.....	.....	.....	804 Adopted
25. Senators Stortini, Bottiger, Rasmussen, Beck, Newschwander and Knoblauch: Congratulating "Abes" of Lincoln High School in Tacoma on winning 1975 AAA basketball tournament.	804	.....	.....	.....	.....	804 Adopted
26. Senator Grant: Declaring April 1, 1975 to be Washington State Losers Day. ....	.....	.....	.....	.....	826 Referred to Rules	.....
27. Senators Sellar, Wilson, Jolly and Washington: Congratulating Brewster High School basketball team.	805	.....	.....	.....	.....	805 Adopted
28. Senators Sellar, Wilson and Washington: Congratulating Cashmere High School basketball team.	805	.....	.....	.....	.....	805 Adopted
29. Senators Lewis (Harry) and Bottiger: Authorizing M. S. Brigantine Explorer to represent citizens of the State of Washington in Bicentennial celebrations.	827	.....	.....	.....	.....	827 Adopted
30. All 49 Senators: Honoring and congratulating Earl Averill.	933	.....	.....	.....	.....	934 Adopted
31. All 49 Senators: Congratulating Mayor, City Council and members of the All-American City Committee on Spokane being chosen one of the nation's All-American cities.	983	.....	.....	.....	.....	984 Adopted

32. All 49 Senators: Commending Maryan E. Reynolds for service as a distinguished citizen and congratulating her on her forthcoming retirement.	999	.....	.....	999 Adopted
33. Senators Walgren, Henry, Beck, Benitz, Bluechel, Bottiger, Guess, Jolly, Keefe, Knoblauch, Lewis (R. H. "Bob"), Morrison, Peterson, Sellar, Stortini, Talley and Wanamaker: Commending Herbert W. Humphres for service to the state and wishing him good wishes in forthcoming years.	999	.....	.....	1000 Adopted
34. Senator Mardesich: Authorizing suit to mandate Public Employees Retirement Board to cause actuarial experience investigation to be made of PERS.	1020	.....	.....	1020 Adopted
35. Senators Lewis (Harry), Mardesich, McDermott and Gould: Directing superintendent of public instruction to write definition of basic education.	1089	.....	.....	1091 Adopted
36. Senators McDermott, Fleming, Herr, Van Hollebeke and Francis: Expressing sorrow at death of Leo Weisfield and extending sympathy to Sarah Weisfield.	1089	.....	.....	1091 Adopted
37. President Cherberg and all 49 Senators: Extending sympathy to the family of Perry B. Woodall and commemorating his memory.	1124	.....	.....	1124 Adopted
38. Senators Day, Mardesich, Francis, von Reichbauer, Lewis (Harry), Buffington and Cunningham: Regarding establishment of a legislative select committee on malpractice.				1161 Referred to Rules
39. Senator Woody: Directing Committee on Financial Institutions to make analysis of availability and cost of medical malpractice insurance.				1161 Referred to Rules
40. Senators Rasmussen and Keefe: Review by State Government Committee of practices of architects and form contracts used by architects.				1198 Referred to Rules
41. Senators Lewis (Harry), Walgren, Wanamaker, Jones, Morrison, Guess, Newschwander, Talley, Henry, Bluechel and Clarke: Directing Committee on Transportation and Utilities to conduct investigation of state's laws governing motor common carriers.				1250 Referred to Rules
42. Senators Sandison, Francis, Scott and Keefe: Commemorating and memorializing the United States Marine Corps on 200th anniversary year.				1250 Referred to Rules
43. President Cherberg and all 49 Senators: Extending commiseration to Dr. Cowen's wife, Anna Louise.	1251	.....	.....	1251 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
44. Senators Guess and Talley: Suggesting Dona McPhillips Couch be commissioned to paint murals of upper panels of Senate chambers.						1404 Referred to Rules
45. Senators Odegaard, Lewis (Harry) and Sandison: Extending congratulations and gratitude to Board of Trustees, President Hanson, staff, business leaders and townspeople of city of Centralia on excellence of Centralia Community College and announcing 50th anniversary celebration dates.	1338				1339	1338 Adopted
46. Senators von Reichbauer, Goltz, Rasmussen, Ridder and Odegaard: Requesting U.S. House of Representatives Education and Labor Committee to reconsider and approve HR 632 relating to children picking berries.	1488					1488 Adopted
47. Senator von Reichbauer: Requesting Washington State Aeronautics Commission and Utilities and Transportation Commission conduct study of air transportation of radioactive materials and report back to 1977 Legislature.						1489 Referred to Rules
48. Senators Gould, Wanamaker, Knoblauch, Bailey and Odegaard: Parks and Recreation committee carry out study of operations, administration and financing of Interagency Committee for Outdoor Recreation and report back.						1489 Referred to Rules
49. Senators Gould, Wanamaker, Knoblauch, Bailey and Odegaard: Senate Parks and Recreation Committee carry out study of problems of recreation in the San Juan Islands and report to next legislative session.						1489 Referred to Rules
50. Senators Gould, Wanamaker, Knoblauch, Bailey and Odegaard: Senate Parks and Recreation Committee work jointly with House Parks and Recreation Committee in considering implementing statewide reservation and information system for state parks.						1489 Referred to Rules

51. Senators Gould, Wanamaker, Knoblauch, Bailey and Odegaard: Senate Parks and Recreation Committee study of youth camps in state.	1489	Referred to Rules	.....
52. Senators Gould, Wanamaker, Knoblauch, Bailey and Odegaard: Regarding study by Senate Parks and Recreation Committee of plans of Parks and Recreation Commission regarding future park acquisition.	1489	Referred to Rules	.....
53. Senator von Reichbauer: Requesting Senate Education Committee conduct study on the feasibility of central system for sharing of surplus textbooks.	1516	Referred to Rules	.....
54. Senators Lewis (Harry), Matson, Buffington, Morrison, Wanamaker, Murray, von Reichbauer, Donohue, Jolly, Day, Rasmussen, Francis, Beck, Woody, Marsh, Bottiger, Herr, Odegaard, Henry, Mardesich, Lewis (R. H. "Bob"), Clarke, Sellar, Jones, Sandison, Newschwander, Talley, Gould, Bluechel and Knoblauch: Commending President Ford for his leadership during the crisis involving the merchant ship Mayaguez.	1489	Adopted	.....
55. Senators Walgren, Rasmussen, Bottiger, Knoblauch, Beck, Odegaard, Sandison, North, Buffington and Wanamaker: Welcoming King Olav V of Norway to Seattle.	1490	Adopted	.....
56. Senator Sandison: Regarding study to be made by Local Government Committee on wild dog problems.	1549	Referred to Rules	.....
57. Senator von Reichbauer: Regarding study by Committee on Ecology of protection of wildlife habitat in Peasley Canyon Road and West Valley highway area, and asking Highway Department to cooperate with Game Department in such protection during construction.	1549	Referred to Rules	.....
58. President Cherberg and all 49 Senators: Commemorating the one hundredth anniversary of founding of St. Michael's Parish in Olympia and extending best wishes for many more years of continued outstanding ministry:	1714	Adopted	.....
59. President Cherberg and all Senators except Senator Clarke: Extending sympathy to Senator Clarke and his family on the loss of Helen Clarke.	1715	Adopted	.....
60. President Cherberg and all 49 Senators: Extending condolences to the family of Marine Private First Class Daniel A. Benedett and expressing appreciation for his service to his country.	1724	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
61. Senator Marsh: Providing for a study by the Judiciary Committee on problems of mobile home parking spaces.	1863 Referred to Rules .....	.....
62. Senators Day, Goltz and North: Providing that the Social and Health Services Committee conduct study of sewage disposal systems.	1863 Referred to Rules .....	.....
63. Senators Van Hollebeke, Knoblauch, Cunningham, Keefe, Ridder, Peterson and Morrison: Providing the Committee on Commerce conduct and prepare recommendations for statewide licensing and regulation of private security investigation services.	1863 Referred to Rules .....	.....
64. Senators Van Hollebeke, Knoblauch, Cunningham, Keefe, Ridder, Morrison and Peterson: Providing the Committee on Commerce make a study and recommendations on licensing and regulation of tax preparers.	1863 Referred to Rules .....	.....
65. Senators Van Hollebeke, Knoblauch, Cunningham, Keefe, Ridder, Morrison and Peterson: Providing for a study of mobile home construction safety standards and licensing of mobile home parks by the Committee on Commerce.	1863 Referred to Rules .....	.....
66. Senators Van Hollebeke, Knoblauch, Cunningham, Keefe, Ridder, Morrison and Peterson: Providing for a study by the Committee on Commerce of examination procedures for licensed professions or occupations.	1863 Referred to Rules .....	.....
67. Senators Van Hollebeke, Knoblauch, Cunningham, Keefe, Ridder, Morrison and Peterson: Providing the Senate Committee on Commerce conduct a study of consumer oriented issues.	1863 Referred to Rules .....	.....

68. Senators Bailey, Talley, Marsh, Peterson and Odegaard: Providing that a study be made by the Natural Resources Committee to examine statutes affecting spoil disposal.	1863 Referred to Rules
69. Senators Ridder, Herr, Goltz, Stortini, McDermott, Francis, Grant and Bailey: That the industrial welfare committee develop rules and regulations.	2287, 2466, 2471, Referred to Rules, 2502
70. Senators Jolly, Wilson, Sellar and Benitz: Requesting the standing committee on Agriculture study water resource utilization.	2289 Referred to Rules
71. Senators Jolly, Wilson, Sellar, Day and Benitz: Requesting that the Committee on Agriculture study the operation of irrigation and reclamation districts.	2289 Referred to Rules
72. Senators Jolly, Wilson, Sellar, Day and Benitz: Requesting the Committee on Agriculture to study the family farm in Washington.	2289 Referred to Rules
73. Senators Jolly, Wilson, Sellar, Day and Benitz: Requesting the Committee on Agriculture study property taxes in relationship to agricultural lands.	2289 Referred to Rules
74. Senators Jolly, Wilson, Sellar, Day and Benitz: Requesting the Committee on Agriculture to monitor the pesticide research program.	2289 Referred to Rules
75. Senators Jolly, Wilson, Sellar, Day and Benitz: Requesting the Committee on Agriculture conduct a study of the problems of agricultural labor, wages and child labor.	2289 Referred to Rules
76. Senators Jolly, Wilson, Sellar, Day and Benitz: Requesting the Committee on Agriculture to study the problem of milk price stabilization.	2289 Referred to Rules
77. Senators Jolly, Wilson, Sellar, Day and Benitz: Requesting the Committee on Agriculture to make a study of problems of uninspected salvaged foodstuffs reentering the food chain.	2289 Referred to Rules

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
78. Senator Ridder: Providing that the Committee on Labor carry out a study relating to railroad safety employment conditions in Washington.	2289 Referred to Rules .....	.....
79. Senators Lewis (Harry), Sellar and Jolly: Providing that the Agriculture Committee shall make a study and report back on the measures necessary to reduce or eliminate overlapping, confusion and duplication in current licensing provisions.	2289 Referred to Rules .....	.....
80. Senators Bluechel, Rasmussen, Peterson, Talley, Beck, Grant and Lewis (Harry): Requesting that the Committee on Natural Resources study the problems and effects of the Forest Practices Act of 1974.	2289 Referred to Rules .....	.....
81. Senators Bluechel, Grant, Pullen, Peterson, Talley, Rasmussen, Beck and Lewis (Harry): Requesting the Committee on Natural Resources study the economic problems of the Washington fishing industry.	2289 Referred to Rules .....	.....
82. Senators Bluechel, Rasmussen, Peterson, Talley, Sandison, Grant, Beck and Lewis (Harry): Requesting the Committee on Natural Resources study the clam industry.	2289 Referred to Rules .....	.....
83. Senators Bluechel, Rasmussen, Peterson, Talley, Grant, Beck, Lewis (Harry) and Sandison: Requesting that the Committee on Natural Resources study operations of state's fish hatcheries and bird aviaries.	2289 Referred to Rules .....	.....
84. Senators Bluechel, Rasmussen, Peterson, Talley, Grant, Beck, Lewis (Harry) and Sandison: Requesting that the Committee on Natural Resources study Department of Fisheries' setting of limits, seasons, and issuance of licenses.	2289 Referred to Rules .....	.....

85. Senators Rasmussen, Bluechel, Pullen, Grant, Peterson, Talley, Beck, Lewis (Harry) and Sandison: Requesting that the Committee on Natural Resources study the formation of a Columbia River Fish Compact.	2289 Referred to Rules
86. Senators Rasmussen, Grant, Peterson, Talley, Bluechel, Beck, Lewis (Harry) and Sandison: Providing that the legislature undertake a study of current licensing practices of pot shellfish fisheries.	2289 Referred to Rules
87. Senator Talley: Requesting the Committee on Natural Resources study Columbia River smelt industry.	2289 Referred to Rules
88. Senators Stortini, Woody, Marsh and Murray: Requesting that the Education Committee conduct study of educational accountability in common schools of Washington.	2224 Referred to Rules
89. Senators Stortini, Woody and Wanamaker: Requesting the Education Committee conduct study of traffic safety education programs in schools.	2224 Referred to Rules
90. Senators Stortini and Ridder: Requesting Committee on Education to study continuous progress education.	2224 Referred to Rules
91. Senators Knoblauch and Wanamaker: Requesting Committee on Parks and Recreation to study boating problems.	2289 Referred to Rules
92. Senators Peterson and Beck: Requesting the Committee on Natural Resources to study federal lands management.	2289 Referred to Rules
93. Senators Rasmussen, Henry, Knoblauch, Cunningham, Buffington, Wanamaker and Day: Requesting the Committee on State Government to study systems for collection of personal information.	2289 Referred to Rules
94. Senator Rasmussen: Requesting the Committee on State Government to study state salary schedules.	2289 Referred to Rules
95. Senator Rasmussen: Requesting the Committee on State Government to study a hearing examiner system.	2289 Referred to Rules

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
56. Senator Rasmussen: Requesting the Committee on State Government to study state agency space.	2289 Referred to Rules .....	.....
97. Senator Rasmussen: Requesting the Committee on State Government to study alien land ownership.	2289 Referred to Rules .....	.....
98. Senator Rasmussen: Requesting Committee on State Government study state printing operations.	2289 Referred to Rules .....	.....
99. Senator Rasmussen: Requesting the Committee on State Government to study cost of state publications.	2289 Referred to Rules .....	.....
100. Senator Rasmussen: Requesting the Committee on State Government to study PDS, LEAP systems.	2289 Referred to Rules .....	.....
101. Senator Rasmussen: Requesting the Committee on State Government to study personal service contracts.	2289 Referred to Rules .....	.....
102. Senator Rasmussen: Requesting the Committee on State Government to study campaign financing.	2289 Referred to Rules .....	.....

103. Senator Rasmussen: Requesting the Committee on State Government study land use in Washington State.	2289	Referred to Rules
104. Senators Walgren, Goltz, Guess, Bottiger, Washington and North: Requesting the Committee on Transportation and Utilities to study state energy policy.	2289	Referred to Rules
105. Senators Francis, Walgren, Bottiger and Wanamaker: Requesting the Committee on Transportation and Utilities study bicycle transportation.	2289	Referred to Rules
106. Senators Walgren, Bottiger and Wanamaker: Requesting the Committee on Transportation and Utilities to study energy related matters.	2289	Referred to Rules
107. Senators Sellar, Lewis (R. H. "Bob"), North, Jolly, Talley, McDermott, Wilson and Walgren: Requesting the Committee on Local Government to study city-county consolidation.	2289	Referred to Rules
108. Senators Sellar, Lewis (R. H. "Bob"), Jolly, North, Talley, McDermott, Wilson and Walgren: Requesting the Committee on Local Government to study county road day labor.	2289	Referred to Rules
109. Senators Jolly, Talley, McDermott, Wilson, North, Walgren and Lewis (R. H. "Bob"): Requesting the Committee on Local Government to study consolidation sewer and water districts.	2289	Referred to Rules
110. Senators Sellar, North, Jolly, Talley, McDermott, Walgren, Wilson and Lewis (R. H. "Bob"): Requesting the Committee on Local Government and State Government study laws relating to environmental protection.	2289	Referred to Rules
111. Senators Talley, Marsh and Henry: Urging department of highways seek completion of interstate highway 205 bridge and approve funds for additional bridge across Columbia River in Vancouver-Portland area.	2288	Adopted
112. Senators Grant and McDermott: Requesting the Committee on Ways and Means study nursing home employees.	2289	Referred to Rules
113. Senators Walgren and Bottiger: Requesting the Committee on Transportation and Utilities to study railroad grade crossing safety.	2289	Referred to Rules

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
114. Senators Odegaard, Donohue, Benitz, Goltz, Scott, Sandison and Guess: Requesting the Committee on Higher Education to study faculty tenure in the state's public postsecondary institutions.	2289 Referred to Rules .....	.....
115. Senators Jolly, Sellar, Fleming, Lewis (R. H. "Bob"), North and Talley: Requesting the Committee on Local Government study municipal home rule.	2289 Referred to Rules .....	.....
116. Senators Sellar, Jolly, Talley, Fleming, Lewis (R. H. "Bob") and North: Requesting the Committee on Local Government to study city and town bidding.	2289 Referred to Rules .....	.....
117. Senators Sellar, Jolly, Talley, Fleming, North and Lewis (R. H. "Bob"): Requesting the Committee on Local Government to study cities and towns classification.	2289 Referred to Rules .....	.....
118. Senators Jolly, Fleming and North: Requesting the Committee on Local Government to study land use planning.	2289 Referred to Rules .....	.....
119. Senators Goltz, Bailey and Rasmussen: Requesting the Committee on State Government to study Secretary of State office.	2289 Referred to Rules .....	.....
120. Senators Goltz, Washington and Lewis (Harry): Wishing the Washington State Bicentennial Wagon Train Godspeed on its journey.	2367	.....	.....	.....	.....	2368 Adopted

121. Senators Woody, Guess, Lewis (R. H. "Bob"), Peterson and Bluechel: Requesting the Resources Utilization Special Committee on Education to study the existing guidelines for disposition of school property.	2458	Referred to Rules	.....
122. Senators Woody, Clarke, Jones, Bluechel, Mardesich and Walgren: Requesting Committee on Social and Health Services, Judiciary and Financial Institutions study medical malpractice commission.	2458	Referred to Rules	.....
123. Senators Woody, Bluechel, Buffington, Mardesich and Walgren: Requesting the Committee on Financial Institutions to study the gold bullion industry.	2458	Referred to Rules	.....
124. Senators Woody, Bluechel, Mardesich, Walgren and Jones: Requesting the Committee on Financial Institutions to study variable mortgage rates.	2458	Referred to Rules	.....
125. Senators Woody, Bluechel, Mardesich, Walgren and Jones: Requesting the Committee on Financial Institutions to study prepaid property taxes.	2458	Referred to Rules	.....
126. Senators Woody, Bluechel, Mardesich, Walgren and Jones: Requesting the Committee on Financial Institutions to study non-domiciliary banks.	2458	Referred to Rules	.....
127. Senators Woody, Knoblauch, Henry, Peterson, Guess and Lewis (R. H. "Bob"): Requesting the Resources Utilization Special Committee on Education to study school districts consolidation.	2458	Referred to Rules	.....
128. Senators Bluechel, Guess, Henry, Peterson, Woody, Lewis (R. H. "Bob") and Knoblauch: Requesting the Resources Utilization Special Committee on Education to study school districts boundaries.	2458	Referred to Rules	.....
129. Senators Lewis (Harry) and Fleming: Requesting the Committee on Local Government to study local government fiscal powers.	2458	Referred to Rules	.....
130. Senators Guess, Sandison, Benitz, Scott, Goltz, Odegaard and Newschwander: Directing the Council for Post-secondary Education to examine the educational functions of the Joint Center for Graduate Studies in Richland.	2458	Adopted	2458
131. Senators Sandison, Goltz, Benitz, Scott, Odegaard, Donohue and Guess: Providing that the Higher Education and Ways and Means Committees shall develop, test and recommend a standard method of determining the cost of higher education.	2459	Adopted	2459

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
132. Senators Scott, Sandison, Goltz, Benitz, Odegaard, Donohue and Guess: Providing that the Committee on Higher Education and Council on Post-secondary Education study the affirmative action programs in state institutions of higher education.	2459	.....	.....	.....	.....	2460 Adopted
133. Senators Goltz, Guess and Odegaard: Providing the Senate Committee on Higher Education examine long-range planning for higher education.	2460	.....	.....	.....	.....	2460 Adopted
134. Senators Walgren and Sandison: Providing that the Council for Post-secondary Education conduct a review of veterans receiving benefits under the G.I. Bill of Rights.	2461	.....	.....	.....	.....	2461 Adopted
135. Senators Bluechel, Walgren and Bottiger: Requesting the Committee on Transportation and Utilities to study petroleum supply shortage. ....	.....	.....	.....	.....	2462 Referred to Rules	.....
136. Senator Woody: Requesting the Committee on Financial Institutions to study medical malpractice issues. ....	.....	.....	.....	.....	2462 Referred to Rules	.....
137. Senators Benitz, Guess, Sandison, Donohue, Goltz and Odegaard: Providing that the Council for Post-secondary Education shall undertake a study of post-secondary educational need of Spokane area.	2461	.....	.....	.....	.....	2461 Adopted
138. Senators Scott and Woody: Requesting the Committee on Constitution and Elections to study campaign contributions. ....	.....	.....	.....	.....	2462 Referred to Rules	.....

139. Senators Washington, Murray and Goltz: Requesting the Committee on Ecology to study State Environmental Policy Act costs.			2462 Referred to Rules
140. Senators Washington, Murray and Goltz: Requesting the Committee on Ecology to study the shoreline management act impact.			2462 Referred to Rules
141. Senators Bailey, Mardesich, Lewis (Harry) and Matson: Providing for the establishment of a select Educational Study Coordinating Committee.	2462		2475 Adopted
142. Senators Day, Guess and Lewis (R. H. "Bob"): Providing that Interlake School and Lakeland Village continue as separate and distinct entities.	2464		2464 Adopted
143. Senators Sellar, Morrison, Grant, Bailey and von Reichbauer: Granting the Labor Committee the authority to meet occasionally and cautiously during the interim.	2464		2464 Adopted
144. Senator Washington: Providing that the Council for Post-secondary Education study the problem of nonimmigrant aliens paying nonresident tuition and fees at institutions of higher education.	2465		2465 Adopted
145. Senators Beck and Lewis (R. H. "Bob"): Requesting the Committee on Constitution and Elections study constitutional conventions.			2465 Referred to Rules
146. Senators Beck and Lewis (R. H. "Bob"): Requesting the Committee on Constitution and Elections study punch card voting systems.			2465 Referred to Rules
147. Senators Beck and Lewis (R. H. "Bob"): Requesting the Committee on Constitution and Elections to study Initiative 276 problems.			2465 Referred to Rules
148. Senators Peterson and Sandison: Requesting the Committee on Natural Resources to study excess hatchery fish.			2465 Referred to Rules
149. Senators Beck and Lewis (R. H. "Bob"): Requesting the Committee on Constitution and Elections to study redistricting and apportionment.			2465 Referred to Rules

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
150. Senators Beck and Lewis (R. H. "Bob"): Requesting the Committee on Constitution and Elections to study the central committees selection.						2465 Referred to Rules
151. Senators Beck and Lewis (R. H. "Bob"): Requesting the Committee on Constitution and Elections to study postcard voter registration.						2465 Referred to Rules
152. Senator Van Hollebeke: Requesting the Committee on Commerce to study private employment agencies.						2475 Referred to Rules
153. Senators Donohue and Newschwander: Requesting the Committee on Higher Education and Ways and Means to study adult educational program.						2498 Referred to Rules
154. Senators Bailey, Mardesich, Matson and Lewis (Harry): Providing for completion of work of the Senate after adjournment and during the interim period between the close of the extraordinary session of the Forty-fourth Legislature and the convening of the next session.	2502					2502 Adopted
155. Senators Bailey, Mardesich, Matson and Lewis (Harry): Appointing committee to notify House that the Senate is ready to adjourn the extraordinary session of the forty-fourth legislature SINE DIE.	2504				2507	2504 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
1. (ENGROSSED) Representative Kilbury: Authorizing irrigation districts to pay certain insurance premiums.	300	302	434	565	565	565	.....	576	576	CH. 14
2. (ENGROSSED) Representative Kilbury: Decreasing the term length of mortgages or deeds on leasehold estates required for investments by insurance companies.	170, 656, 1728	176, 658	899	1670	1670	1670	.....	1826	1826	CH. 154 EX.
9. (ENGROSSED) Representative Kilbury: Increasing sheriff's civil fees.	155, 656	160, 658	.....	.....	.....	.....	.....	.....	.....	.....
12. (ENGROSSED) Representatives Conner, Hendricks, Gaines, Bauer, Bausch, Bender, Ceccarelli, Fortson, Gallagher, Hurley (George), Kalich, Martinis, McCormick, North, Parker, Sherman, Smith (Edward), Smith (Rick), Valle, Moreau, Clemente, Cochrane, Savage, Kilbury, Haussler, Knowles, May, Barnes, Laughlin, Schumaker and Deccio (by State Treasurer request): Changing Viet Nam veterans' bonus laws.	1825, 2287	1847	1878	2235	2236	2236	.....	2369	2369	CH. 273 EX. P.V.
13. (ENGROSSED) Representatives Conner, Becker and Moreau: Allowing the liquor board to issue licenses to charitable or nonprofit organizations which have officers or directors who are residents of a foreign country bordering on this state.	300, 656	302, 658

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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
15. (ENGROSSED) Representatives Fischer, Jastad and Matthews: Extending special immunities to pharmacists.	170, 656, 1638	176, 658	830	1424	1424	1424	.....	1639	1642	CH. 114 EX.
16. (ENGROSSED) Representatives May, Warnke, Parker and Clemente: Revising appeal procedure from orders of the department of labor and industries.	266, 656	268, 658	555	1278	1279	1279	.....	1390	1391	CH. 58 EX.
17. (ENGROSSED) Representatives Jastad and Kalich: Providing law libraries for seventh and eighth class counties.	170, 613	176	522	541	542	542	.....	615	615	CH. 37
18. (ENGROSSED) Representatives Jastad, Chatalas, Fischer and Matthews: Changing certain laws relating to dentistry.	238, 615	241	434	552	553	553	.....	624	624	CH. 49
23. (ENGROSSED) Representative Ehlers: Authorizing school district participation in voluntary nonprofit organizations regulating interschool activities, subject to certain conditions and state board of education rules.	300, 656	302, 658	.....	.....	.....	.....	.....	.....	.....	.....
24. (ENGROSSED SUBSTITUTE) Committee on Social and Health Services (originally sponsored by Representatives Erickson, Haley, Gallagher and Juelling): Permitting waiver of three year residency requirement for admission to the state soldiers' home.	250	253	388	541	541	541	.....	557	558	CH. 13

29. (ENGROSSED SUBSTITUTE) Committee on State Government (originally sponsored by Representatives Shinpoch, Chatalas, Conner, Fortson and Gaines): Making the gambling commission independent of the department of motor vehicles.	533, 656	533, 659	1249	1553	1553	1554	.....	1665	1681	Vetoed
31. (ENGROSSED) Representative Gallagher: Authorizing class A counties to participate in urban renewal.	171	176	184	184	191	192	.....	195	195	CH. 3
32. (ENGROSSED SUBSTITUTE) Committee on Labor, (originally sponsored by Representatives Parker and Adams): Conforming state minimum wage laws to federal laws.	461, 656, 1661, 1825, 2192, 2247			1342, 555, 1357, 1364,		1377, 1404, 2193	1343, 1358, 1368, 1378, 1403, 1661, 2084, 2193	2265	2265	CH. 289 EX.
37. (SUBSTITUTE) Committee on Constitution and Elections (originally sponsored by Representatives King, Fortson and Parker) (by Committee on Constitution and Elections of the forty-third Legislature): Setting forth dates special elections may be called.	140, 656	143, 659	162, 194, 236	2265, 2276	.....	2267, 2276	.....	.....	.....	.....
38. Representatives King, Bender, Erickson and Gaines (by Committee on Constitution and Elections of the forty-third Legislature request): Implementing law relating to recall of public officials.	140, 656	144, 659	569	.....	.....	.....	.....	.....	.....	.....
40. (ENGROSSED SUBSTITUTE) Committee on Social and Health Services (originally sponsored by Representatives Eng, Adams, Parker, Ceccarelli and Maxie) (by Committee on Social and Health Services request): Providing for health maintenance organizations.	843, 2467, 2474		1349, 843 2136, 2467	1702, 1713	1711	1713, 2468	1713, 2137, 2468	2500	2500	CH. 290 EX.
42. (ENGROSSED) Representative Kilbury: Including irrigation districts in the interlocal cooperation act.	763, 1638	765	944	1409	1410	1410	.....	1639	1642	CH. 115 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
44. (SUBSTITUTE) Judiciary Committee (originally sponsored by Representatives Parker, Savage, Adams, Chatalas and Tilly) (by Committee on Social and Health Services request): Relating to child abuse.	843	843								
47. (ENGROSSED SUBSTITUTE) Committee on Transportation and Utilities (originally sponsored by Representative North): Broadening definition of urban areas eligible for urban arterial funds.	880, 1714, 1987, 2129	861	1089, 1842, 1987	1434	1435	1435, 1988	1714, 1843, 1987	2189	2189	CH. 253 EX.
48. Representatives Adams, Parker, Erickson, Freeman, Gaines, Paris, Tilly, Wilson, Hayner and Nelson (by request of House Committee on Social and Health Services of the forty-third Legislature): Exempting persons who render emergency care from civil liability under certain conditions.	113, 613	116	388	547	547	547	117	615	615	CH. 58
49. (ENGROSSED) Representatives Adams, Savage and Parker (by request of the Committee on Social and Health Services of the forty-third Legislature): Making changes in the law relating to civil commitment and suicide.	1138, 2133, 2247, 2381	1138	1328, 2281	1849	1854	1854, 2282	2133, 2134, 2282	2382	2416	CH. 199 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
75. (SUBSTITUTE) Committee on Constitution and Elections (originally sponsored by Representatives King, Chandler, Fortson and Lysen): Making changes in the laws relating to voter registration.	1200	1202								
76. (ENGROSSED) Representatives Fortson, Lysen, Chandler and Erickson: Providing a deputy registrar in each public school.	195, 656	200, 659		830						
77. (SUBSTITUTE) Committee on Constitution and Elections (originally sponsored by Representatives King, Brown and Chandler): Implementing the law relating to elections generally.	275, 656	276, 659		792						
86. (ENGROSSED SUBSTITUTE) Committee on Ways and Means—Revenue (originally sponsored by Representative Randall): Establishing sales tax liability for certain government contractors.	546, 656	546, 659	1161	1504	1504	1505		1551	1629	CH. 90 EX.
87. (ENGROSSED SUBSTITUTE) Committee on Agriculture (originally sponsored by Representatives Laughlin, Amen, Kilbury, Bauer, Bausch, Haussler, Jastad, Kalich and Zimmerman): Revising regulations on control of noxious weeds.	310, 657, 1000	317, 659	555	846	852	852	586	1024	1024	CH. 13 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
104. Representatives Shinpoch, Curtis, Bagnariol, Polk, Amen, Flanagan, North and Randall (by Legislative Budget Committee request): Restricting the power of state agencies to provide cars to employees.	266, 657	268, 660	273	1208	1208	1208	.....	1265	1266	CH. 33 EX.
105. (ENGROSSED) Representatives Shinpoch, Curtis, Bagnariol, Polk, Flanagan and North: Transferring the state motor pool to the department of general administration.	266, 657, 1825	268, 660	958, 1301	1701	1702	1702	.....	1837	1838	CH. 167 EX.
106. (ENGROSSED) Representatives Chatalas, Curtis, Shinpoch, Polk, Bagnariol and North (by Legislative Budget Committee request): Abolishing the state administrative board.	266	268	544	560, 577, 585	586	586	564, 577	603	603	CH. 40
111. (ENGROSSED SUBSTITUTE) Committee on Ways and Means (originally sponsored by Representatives Bagnariol, Pardini, Shinpoch, Flanagan and Randall) (by Executive request): Adopting a supplemental budget.	481, 625	481	604	604	609	609	.....	625	626	CH. 9 P.V.
112. Representatives Bauer, Brown, Clemente, Laughlin and McKibbin (by Superintendent of Public Instruction request): Abolishing the accumulated sick leave fund established in the office of the superintendent of public instruction.	481, 657	481, 660	612	1297	1298	1298	1301	1407	1407	CH. 60 EX.

114. Representatives Sommers, Eikenberry, Randall, Brown, Zimmerman and North: Removing mandatory tuberculosis expenditure requirements.	533, 657	533, 660	1662	.....	.....	.....	.....	.....	.....	.....	.....
117. (ENGROSSED) Representatives Perry and Berentson: Extending the reporting time for the study of transportation taxing.	91, 145	95	.....	96	96	96	.....	145	145	CH. 2	
118. (ENGROSSED SUBSTITUTE) Committee on Commerce (originally sponsored by Representatives Berentson, Jastad, Gallagher, Laughlin and Gilleland) (by Department of Motor Vehicles request): Prescribing unfair vehicle business practices of dealers and salesmen. ..	754	754	.....	.....	.....	.....	.....	.....	.....	.....	.....
119. Representatives Gallagher, Jastad, Leckenby and Laughlin (by Department of Motor Vehicles request): Exempting dealer or manufacturer campers from licensing requirements under stated conditions.	449	449	538	572	573	573	.....	603	603	CH. 41	
123. Representatives Martinis, Bausch, Clemente, Hansey, Whiteside, Kilbury, Conner, Hurley (George), Smith (Rick), Bond, Moreau and Hendricks (by Department of Game request): Imposing a penalty assessment on game law violations.	170, 613	176	298	576, 581	581	581	576	615	615	CH. 57	
124. (ENGROSSED) Representatives Hansey, Martinis and Schumaker: Authorizing the department of natural resources to grant cutting permits for firewood for timber on state lands.	285	290	532	548	548	548	.....	569	569	CH. 10 P.V.	
126. (SUBSTITUTE) Judiciary Committee (originally sponsored by Representatives Hayner, May, Amen, Bond and Paris): Making it unlawful to display indecent material.	435, 657, 1728	435, 660	1250	1653	1654	1655	.....	1826	1826	CH. 156 EX.	
127. Representative Haussler: Increasing tax per television set in TV reception improvement districts.	226	230	532	549	549	549	.....	569	569	CH. 11	

138. (ENGROSSED) Representatives Clemente, Brown and Warnke (by Superintendent of Public Instruction request): Including third class school districts within second class school district category and enlarging scope of first class district.	250	253	539	582	583	584	.....	603	603	CH. 43
139. Representatives Martinis, Bausch, Clemente, Kilbury, Matthews, Schumaker, Hurley (George), Moreau, Hansey, Whiteside and Bond: Regulating the sale of valuable material from public lands.	801	802	914	1318	1318	1318	.....	1340	1340	CH. 52 EX.
140. (ENGROSSED) Representatives Bagnariol, Becker, Charnley, Cochrane, Fischer, Hayner, Laughlin, Martinis, McCormick and McKibbin: Abolishing pay toilets and requiring certain places of public accommodation to have free public toilet facilities:	533, 657	533, 661	.....	.....	.....	.....	.....	.....	.....	.....
141. (ENGROSSED) Representatives Haussler, Hansen, Kilbury, Laughlin and Tilly: Revising laws relating to theft of livestock and adding civil penalty.	435, 657, 1407	435, 661	555	1289	1289	1290	586	1407	1407	CH. 61 EX.
142. Representatives Hayner, Knowles and Eikenberry: Requiring that a copy of every adverse decision and order in administrative proceedings be transmitted to the party's attorney of record.	195	200	460	548	548	549	.....	569	569	CH. 12
144. (ENGROSSED) Representatives Smith (Rick), Knowles and Hendricks (by Department of Motor Vehicles request): Requiring revocation of driver's license and privileges upon conviction for failure to render aid.	435, 657, 2129	435, 661	997	2048	2048	2048	.....	2189	2189	CH. 210 EX.
154. (ENGROSSED) Representative Nelson: Revising regulations on charitable solicitation. ..	1200, 2192, 2247	1203	1487	2052	2052	2053	1203, 2192	2265	2265	CH. 219 EX.

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155. (ENGROSSED) Representatives Seeberger, Smith (Rick), Knowles and Eikenberry: Defining duties of the prosecuting attorney authorizing the employment of special deputy prosecutors under certain circumstances.	369, 657	370, 661	817	1081	1083	1083	1165	1165	CH. 19 EX.
156. (ENGROSSED) Representatives Laughlin, Zimmerman, Bauer, Martinis, Thompson, McKibbin, O'Brien, Newhouse, Kilbury, Luders, Hansen and Boldt: Authorizing a compact among Washington, Oregon and Idaho relating to fish in the waters of the Columbia and Snake rivers.	449, 657	449, 661	702	.....	.....	.....	.....	.....	.....	.....
158. (ENGROSSED) Representatives Curtis, Charette, Schumaker, Kilbury, Tilly, Paris, Haussler, Savage, Conner, Hayner, Amen, Patterson, Thompson and Bauer: Authorizing second and third class school districts to provide housing for superintendents thereof and validating prior commitments therefor.	533, 657, 1304	534, 661	612	1194	1194	1194	.....	1313	1313	CH. 41 EX.
159. (ENGROSSED) Representatives Thompson, Hendricks and Hanna: Restricting and regulating the sale of convict-made goods.	250	253	544	572	572	572	.....	603	603	CH. 44

160. Representatives Ceccarelli, Pardini and Bagnariol (by Department of General Administration Division of Banking request): Fixing maximum maturity of certificates of deposit by mutual savings banks at six years.	170	176	539	560	560	560	.....	576	577	CH. 15
162. Representatives Seeberger, Hansen, Warnke, McKibbin, Gaines and Schumaker: Removing the requirement that certain justices of the peace and district court judges be attorneys...	338, 657	367, 661	899	1997	1938	1998	.....	2086	2087	CH. 197 EX.
164. (ENGROSSED SUBSTITUTE) Committee on Transportation and Utilitles (originally sponsored by Representatives Perry, Berentson, Martinis, Gilleland, Hansen, Patterson, McCormick, Ceccarelli, Clemente, Dunlap, Bender, Conner and Gaines): Creating a department of transportation.	557, 657	558, 661	1873	2006	2036	2036	.....	2382	2416	Vetoed
170. Representatives McCormick, Leckenby, Bond, Gallagher and Laughlin: Providing an extension of time for tax exemption on use of propane in motor vehicles.	461, 657	463, 662	1114	1395	1395	1395	.....	1445	1445	CH. 62 EX.
171. Representatives Hansen, Hayner and Clemente (by Department of Highways request): Prescribing motor vehicle gross weight limits. ...	744, 1306, 1390, 1640, 1826	944, 744	1407, 1641	1190	1193	1193, 1641	1306, 1408, 1641	1837	1838	CH. 168 EX.
172. (ENGROSSED) Representatives Bagnariol, Curtis, Shipoch and Polk (by Legislative Budget Committee request): Standardizing the marking of public vehicles.	461, 657, 1407 1640, 1836	997	1441, 1640	1209, 1228	1229	1230, 1640	1215, 1407, 1441, 1640	1866	1866	CH. 169 EX.
173. (ENGROSSED) Representatives Clemente, Gaspard and Hendricks: Requiring school board directors when making available rules regarding pupil conduct, discipline and rights to spell out rights and authority of teachers.	763, 1840, 1990, 2189, 2247	1284, 765	2084, 2193	1512	1513	1513, 2193	1840, 1863, 2085, 2193	2265	2265	CH. 254 EX.

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174. Representatives Nelson, Hansen and Lee (by Department of Highways request): Precluding the use of highway centerline as corporate boundaries.	720	726	1161	2272	2272	2272	2382	2416	CH. 220 EX.
175. Representatives Hansen, Nelson and Clemente (by Department of Highways request): Removing gross weight limitations for vehicles operated within project boundaries.	754	755	944	1386	1386	1387	.....	1445	1445	CH. 63 EX.
176. (ENGROSSED) Representatives Ceccarelli, Pardini, Hendricks and Matthews: Providing for public employee deferred compensation...	763, 2226	765	1199	2091, 2092	2091, 2096	2098	1875, 2091	2248	2248	CH. 274 EX.
177. (SUBSTITUTE) Committee on Transportation and Utilities (originally sponsored by Representatives Leckenby, Hansen and McCormick) (by Office of Program Planning and Fiscal Management request): Making changes in laws relating to all-terrain vehicles.	744	744	1004	1206	1206	1206	.....	1265	1266	CH. 34 EX.
183. (SUBSTITUTE) Committee on Local Government (originally sponsored by Representatives Bagnariol, Warnke and Fischer): Increasing public works mandatory bid limit.	763	765	1263	1389	1389	1390	.....	1445	1445	CH. 64 EX.

184. (ENGROSSED SUBSTITUTE) Committee on Higher Education (originally sponsored by Representatives Maxie, Perry, Moreau, Patterson, Peterson, Bond, Savage, Wojahn, Charnley, Nelson, Erickson, Fischer, Laughlin and Matthews): Allowing higher education fee exemptions for residents fifty-five years of age or over at discretion of individual boards of trustees and regents.	449, 657, 1728	449, 662	702	1506, 1520	1522	1522	1507, 1523	1826	1826	CH. 157 EX.
187. (ENGROSSED) Representatives Tilly, Haussler, Hansen, Curtis and Flanagan: Changing designation of first class PUD to five commissioner PUD, and second class PUD to three commissioner PUD.	338, 657	367, 662					376			
189. Representatives Bagnariol and Polk: Authorizing water district commissioners to establish mileage reimbursement for official travel.	338, 622, 657, 1638	367, 662	544, 1161	567, 570, 1411	570, 1411	571, 1411	622, 662	1639	1642	CH. 116 EX.
190. Representatives Kraabel, Knowles, Eikenberry, Hayner, Smith (Rick), Charette and Seeberger: Repealing provision that presiding officers of house and senate can become lawyers without legal training or examination.	238, 657	242, 662								
198. (ENGROSSED SUBSTITUTE) Committee on Financial Institutions (originally sponsored by Representatives Ceccarelli, Bagnariol, Deccio and Pardini): Amending the insurance code...	310, 657, 2135, 2226	314, 662	1005	1399, 1446	1447	1448, 2135	1403, 1437, 2135	2248	2248	CH. 266 EX.
199. Representatives Shimpoch and Flanagan: Repealing laws relating to the Osaka exposition.	266	268	545	571	571	571		603	603	CH. 45
200. (SUBSTITUTE) Committee on Ways and Means (originally sponsored by Representatives Thompson, Fortson, Wojahn and Laughlin) (by State Teachers' Retirement System request): Redefining fiscal year for teachers' retirement purposes.	1637	1652								

TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—Continued

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204. (SUBSTITUTE) Committee on Ways and Means—Revenue (originally sponsored by Representatives Thompson, Curtis and Chatalas): Eliminating motor vehicle fuel tax refunds presently available for watercraft.	533, 657	534, 662
205. (ENGROSSED) Representatives Brown, Bauer and Erickson: Redesignating intermediate school districts with their attendant boards and officials, as educational service districts...	533, 657, 1307, 1391, 1988, 2129	.....	612, 1843, 1989	1195	1195	1195, 1989	1307, 1843, 1989	2189	2189	CH. 275 EX. P.V.
206. (ENGROSSED SUBSTITUTE) Committee on Ways and Means (originally sponsored by Representatives Bagnariol, Flanagan, Shinpoch and Pardini) (by Executive request): Adopting the capital budget.	1041, 1667, 2382, 2453, 2474	.....	1443, 2382, 2453	1448	1480	1481, 2454	1667, 2416	2474	2475	CH. 276 EX. P.V.
207. (ENGROSSED SUBSTITUTE) Committee on Local Government (originally sponsored by Representatives O'Brien, Blair, Douthwaite and Gaines): Authorizing cities and towns to provide certain off-street parking in manner their legislative authority provides by ordinance.	461, 657	463, 662	958	2090	2090	2090	.....	2188	2189	CH. 221 EX.

208. (SUBSTITUTE) Judiciary Committee (originally sponsored by Representatives Seeberger, McKibbin, Knowles, Smith (Rick), Becker, Sherman and Shinpoch): Revising laws relating to rape.	687, 1000	688	753	795, 798, 807	807	807	797	1024	1024	CH. 14 EX.
209. (ENGROSSED) Representatives Martinis and Wilson: Authorizing signs on school bus stop shelters.	1201	1203								
211. (SUBSTITUTE) Committee on Commerce (originally sponsored by Representatives Amen, Conner, Curtis, Knowles, Zimmerman, May, Becker, Boldt, Kilbury, Laughlin and White-side): Entitling retail implement or car dealer to recover price of articles upon discontinuance of contract by wholesaler or retail dealer.	801, 2227	803	1349	2113	2117	2117		2248	2248	CH. 277 EX.
212. (SUBSTITUTE) Committee on Commerce (originally sponsored by Representatives Jastad, Kalich, Haussler, Hendricks, Haley, Gallagher and Gaines): Changing the gambling laws relating to amusement games.	1303, 1728	1305	1517	1656	1661	1661		1826	1826	CH. 166 EX. P.V.
217. (REENGROSSED SUBSTITUTE) Committee on Financial Institutions (originally sponsored by Representatives Valle, Nelson, Thompson, Erickson and Curtis): Providing occupational therapy coverage under existing health insurance contracts.	461, 657	463, 663								
218. (ENGROSSED) Representatives Gaspard, Bausch and Hendricks (by State Employees' Insurance Board request): Implementing law relating to the state employees insurance board, including authorizing an added charge to premium contributions.	481, 657	482, 663	842	1259	1260	1260		1272	1272	CH. 38 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
219. (SUBSTITUTE) Committee on Ways and Means (originally sponsored by Representatives Pardini, Charette, Curtis, Laughlin and Smith (E. P.)) (by Office of Program Planning and Fiscal Management request): Authorizing state general obligation bonds to fund community college capital projects previously approved by the legislature.	1339	1350	1443	1481	1481	1481	.....	1503	1520	CH. 65 EX.
220. (SUBSTITUTE) Committee on Labor (originally sponsored by Representatives Parker, May, Gaines, Kilbury, Adams and Gaspard): Requiring labor and industries to conduct railroad safety inspections relating to employees.	687	688	944	1225	1225	1263	1225, 1227, 1237	1272	1272	Vetoed
226. Representatives Charette and Smith (Rick) (by Statute Law Committee request): Appropriating funds for bill drafting and session law publication.	226	230	260	470	470	470	.....	473	474	CH. 5
230. Representatives Douthwaite, Leckenby, Bender, Clemente and Dunlap (by Department of Highways request): Authorizing the highway commission to establish equipment requirements for unsafe road conditions.	481, 657, 2129	482, 663	588, 618, 1114	1991, 1992, 2043	1993, 2042, 2044	1993, 2044	1992, 2037	2189	2189	CH. 255 EX.

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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
249. (SUBSTITUTE) Committee on Transportation and Utilities (originally sponsored by Representatives Newhouse, Hansen, Patterson and Gilleland): Making certain changes in the laws relating to vehicle tonnage fees.	546, 657, 1304, 2449	546, 663	871	1259	1259	1259, 2449	2449	1313	1314	CH. 196 EX. (Veto overridden)
251. (ENGROSSED) Representatives Wojahn, Lee, McCormick, North, Shinpoch, Bagnariol, Perry, Maxie, Bauer, Erickson, Cochrane, Becker, Sommers, Sherman, Fortson, Valle, Charnley, Kilbury, Laughlin and Williams: Creating the Washington state women's council.	533, 657	534, 663	.....	.....	.....	.....	.....	.....	.....	.....
261. (ENGROSSED) Representatives Knowles, Hayner and Maxie (by Judicial Council request): Requiring no fee when a relinquishment of parental rights is filed.	338, 657	367, 663	.....	.....	.....	.....	.....	.....	.....	.....
264. Representatives Knowles, Smith (Rick) and Seeberger (by Judicial Council request): Requiring the clerk of district and municipal courts to collect and remit fees, costs, penalties, fines and forfeitures.	338, 657	367, 663	.....	.....	.....	.....	.....	.....	.....	.....
265. Representatives Warnke, Blair and Bagnariol (by Office of Program Planning and Fiscal Management request): Consolidating the appropriation process for support of teachers' retirement benefits.	1303	1305	1517	1700	1700	1700	.....	1717	1718	CH. 148 EX.

266. Representatives Randall, Pardini and Erickson (by Department of Revenue request): Pertaining to revenue and taxation.	310, 657	315, 663	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
267. Representatives Randall, Pardini and Erickson (by Department of Revenue request): Pertaining to pollution control credits or exemptions.	275, 657, 1728	276, 664	1199	1617	1617	1617	.....	1826	1826	CH. 158	EX.	.....
268. (ENGROSSED) Representatives Moon, Pardini, Randall and Charnley (by Department of Revenue request): Pertaining to appeals to the board of tax appeals.	677	678	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
271. (ENGROSSED) Representatives Sommers and Erickson (by Department of Revenue request): Altering the assessment procedures for telegraph company property and authorizing the board of tax appeals to value property that is denied exemption.	285, 657	290, 664	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
276. (ENGROSSED) Representatives Charette, Eikenberry, Conner and Curtis: Authorizing municipal corporations and political subdivisions to purchase liability insurance for their officers, agents and employees.	461	463	532	552, 559	559	559	552	576	577	CH. 16	.....	.....
278. (ENGROSSED) Representatives Sommers, Shinpoch, Charnley, Kraabel, Matthews and North (by Department of Social and Health Services request): Providing for nursing home accounting systems.	481, 657, 1197, 1305, 1391	482, 664	555, 2279	1127	1129	1129, 2279	1197, 1305, 2279	2382	2416	CH. 213	EX.	.....
279. (ENGROSSED) Representatives Chatalas, Curtis, Parker, Eng, Hanna and Maxie (by Department of Social and Health Services request): Providing for support of adoption of hard to place children.	449	449	539	565	565	565	576	577	CH. 53

TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—Continued

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281. (ENGROSSED) Representatives Parker, Kuehnle, Adams and Barnes (by Department of Social and Health Services request): Authorizing continuation of child welfare services to age twenty-one.	310, 657	315, 664	545, 569
284. Representatives Hanna and Adams (by Department of Social and Health Services request): Authorizing increased payment for juvenile probation supervision.	843	844	.....	.....	.....	.....	.....	.....	.....	.....
285. (REENGROSSED) Representatives King, Juelling, Conner, Adams, Luders, Laughlin, Savage, Chandler, Blair, Chatalas, Haley, Charnley and Hanna: Providing for the designation of certain specified fire and police department positions as public employees.	443, 657	443, 664	556	2103	.....	.....	2110, 2216	.....	.....	.....
294. (SUBSTITUTE) Committee on Financial Institutions (originally sponsored by Representatives Conner, Ceccarelli, Gaspard and Laughlin): Making miscellaneous changes in credit union laws.	1350	1351	1726	2064	2064	2064	.....	2086	2087	CH. 222 EX.
295. (ENGROSSED) Representatives Ceccarelli, Pardini, Fischer and McCormick: Providing for, and regulation of bank conservators.	449, 657	449, 664	743	1512	1512	1512	1551	1629	CH. 87 EX.

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330. (ENGROSSED) Representatives Bagnariol, Pardini, Randall, Warnke, Shinpoch, Charnley, Eng, Matthews and North: Exempting insulin and prosthetic devices from sales and use taxes.	310, 658	315, 665
331. (ENGROSSED) Representatives Sommers, Nelson, Randall, Erickson, Smith (Rick) and Kraabel: Defining the term adopted child for inheritance tax purposes.	557, 658	558, 665	.....	.....	.....	.....	.....	.....	.....	.....	.....
338. (ENGROSSED) Representatives Savage, Freeman and Matthews (by Department of Labor and Industries request): Revising qualifications for apprentice electricians.	687	688	944	1412	1412	1412	.....	1492	1493	CH. 70 EX.	.....
339. Representatives Savage, Matthews and Freeman (by Department of Labor and Industries request): Modifying plumber apprentice requirements.	687	688	944	1412	1412	1412	.....	1492	1493	CH. 71 EX.	.....
340. (SUBSTITUTE) Committee on Higher Education (originally sponsored by Representatives Charnley, Peterson and Douthwaite): Providing for the acquisition and disposition of documents or materials by the museum of the University of Washington.	754, 1728	755	879	1552	1552	1552	.....	1826	1826	CH. 159 EX.	.....
342. (SUBSTITUTE) Committee on Labor (originally sponsored by Representatives Savage, North and Gilleland) (by Department of Labor and Industries request): Revising laws relating to boiler inspections.	801	803	958	.....	.....	.....	.....	.....	.....	.....	.....
344. Representatives Savage, Thompson and North (by Department of Labor and Industries request): Prescribing changes in industrial insurance procedures.	801	803	997	2099	2099	2099	2189	2189	CH. 224 EX.

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TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—Continued

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385. (ENGROSSED) Representatives Kilbury, Tilly, Becker and Hansen: Increasing the assessment per head on cattle.	310, 658, 1165, 1201, 1354		556, 1317, 1354	1086	1087	1087, 1354	1166, 1201, 1202, 1817, 1354	1445	1445	CH. 93 EX.
388. (ENGROSSED) Representatives Deccio, Flanagan, Kilbury, Hawkins, Nelson, Whiteside, Dunlap, Bond and Eng: Permitting the sheriff to determine the method of serving papers.....	687, 1638	688	1199	1416	1416	1416	.....	1639	1642	CH. 119 EX.
389. (SUBSTITUTE) Committee on Labor (originally sponsored by Representatives Charnley, Newhouse and King): Exempting certain non-governmental educational institutions from certain provisions of the unemployment compensation law.	763	765	944	1344	1344, 1358	1358	1344	1407	1407	CH. 67 EX.
393. Representatives Smith (Rick), Pardini, Wojahn and Hanna (by Department of Employment Security request): Modernizing language referring to mentally incompetent persons.	720	727	1181	.....	.....	.....	.....	.....	.....	.....
395. (ENGROSSED SUBSTITUTE) Committee on Social and Health Services (originally sponsored by Representatives Charnley, Brown, Chatalas, Pardini, Wojahn, Chandler, Hawkins, Sherman, Williams, Haley, Matthews, Hansen, Perry, McCormick, Bender, Savage, Adams, Parker, Wilson and Dunlap): Providing an anatomical gift form on each driver's license.	533	534	556	584	584	584	603	603	CH. 54

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431. Representatives Barnes, Haley, Parker, Lee, Hawkins, Becker, Sommers, Elkenberry, Chatalas and Blair: Permitting administration of medication to aged persons in boarding homes under certain circumstances.	754	755	843	1276	1276	1276	1313	1314	CH. 43 EX.
435. (ENGROSSED SUBSTITUTE) Committee on Transportation and Utilities (originally sponsored by Representatives McCormick, Martinis, Newhouse, Zimmerman and Gallagher): Revising law relating to rate setting and financing of public service companies.	1201	1203	1727	2267	2270	2272	.....	2182	2416	Vetoed
436. (ENGROSSED) Representatives Bausch, Parker and Curtis (by Department of Employment Security request): Prescribing changes in unemployment compensation laws.	1445, 2287	1496	1662	2217, 2250	2250	2251	2217	2369	2369	CH. 228 EX.
437. Representatives Charnley, Patterson, Newhouse and Douthwaite (by Department of Highways request): Specifying types of signs permissible which are visible from highways.	801	803	915	1990	1990	1991	.....	2086	2087	CH. 271 EX.
441. (ENGROSSED) Representatives Thompson and Zimmerman: Amending the Environmental Coordination Procedures Act of 1973.	1350	1351	.....	.....	.....	.....	.....	.....	.....	.....
451. (ENGROSSED) Representatives Haussler, Pardini and Sommers (by Department of Revenue request): Pertaining to the cigarette excise tax.	671	671	817	1133	1133	1313	.....	1165	1165	CH. 22 EX.
456. Representatives Zimmerman, Pardini, Luders, Matthews, Patterson, Tilly, Kilbury, Lee and Curtis (by Executive request): Expanding definition of "public bodies" that can participate in water supply bonds.	481	482	545	560	560	560	.....	576	577	CH. 18
461. Representatives Clemente, Haussler, Moon, Flanagan, Martinis and King: Authorizing public utility districts to collect local improvement assessments for operation and maintenance of street lights and other services.	481	482	546	570	570	570	603	603	CH. 46

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462. (ENGROSSED SUBSTITUTE) Committee on Ecology (originally sponsored by Representatives Flanagan, Amen, Hansen, Kilbury, Newhouse, Curtis and Tilly): Exempting irrigation systems from shorelines management.....	763	765
464. (ENGROSSED) Representatives Conner, Hansen and Savage: Authorizing the aeronautics commission to provide assistance to certain Indian tribes.	1092, 1729	1092	1301	1498, 1503	1503	1503	1499	1826	1826	CH. 161 EX.
467. (ENGROSSED) Representatives McKibbin, King, Seeberger, Brown, Bauer, Chandler, Moreau and Hawkins: Regulating use of candidates' picture in political advertising.	830, 1825	831	1441	1678	1678	1679	.....	1837	1838	CH. 162 EX.
468. Representatives Parker, Bagnariol, Shinpoch and Sommers: Abolishing the state armory fund and directing revenue to state general fund.	557, 658	558, 666	900	1620	1520	1520	1417	1639	1642	CH. 121 EX.
474. (ENGROSSED) Representative Charette: Authorizing cities to provide ambulance services and impose taxes for the support thereof.	533, 658	534, 666	932	1088	1088	1088	.....	1167	1182	CH. 24 EX.

475. (ENGROSSED) Representatives Bagnariol and Gaines: Amending state higher education personnel law to allow participation of director of the office of program planning and fiscal management on items having financial impact.....	763, 1638	766	915	1417, 1421	1421	1421	766, 1418	1639	1642	CH. 122 EX.
479. (ENGROSSED SUBSTITUTE) Judiciary Committee (originally sponsored by Representatives Parker, Eikenberry, Charette, Douthwaite, Leckenby, North and Paris): Relating to the qualifications of jurors.	687, 1840	688	1250	1679	1680	1680, 1841	1840	1937	2080	CH. 203 EX.
480. Representatives Savage, Conner, Freeman, Wojahn, Matthews, Haley, McKibbin, King, May and Cochrane: Creating the department of labor and industries revolving fund.	754, 1638	755	997	1418	1419	1419	.....	1639	1642	CH. 123 EX.
483. (SUBSTITUTE) Committee on State Government (originally sponsored by Representatives Shinpoch, Polk, Bagnariol and Dunlap): Implementing further consolidation of state automated data processing facilities.	1303, 2381	1305	2038	2273	2275	2275	2382	.....	.....	.....
484. (SUBSTITUTE) Judiciary Committee (originally sponsored by Representatives Maxie, Smith (Rick), Knowles, Eikenberry and North): Authorizing superior court judges in class AA counties to transfer to the county the administration of juvenile program.	1138, 1638	1138	1302	1423	1424	1424	.....	1639	1642	CH. 124 EX.
486. (ENGROSSED) Representatives Berentson, Thompson, Hansey and Gallagher: Authorizing state support for certain county ferries.	671	671	945	1120	1120	1120	.....	1165	1165	CH. 21 EX.
490. (ENGROSSED) Representatives Gaines and Randall: Amending law on liability of landowners where recreational.	1092	1093	.....	.....	.....	.....	.....	.....	.....	.....
491. Representatives Warnke, Bausch and Gilleland: Prescribing a change in retained percentage procedures on public works contracts.	754	755	1329	1499	1501	1501

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578. (ENGROSSED) Representatives Bauer, Brown, Bender, Fortson, Clemente, McKibbin and Seeberger: Adding restriction on the distribution of state aid to school districts on basis of ratio of pupils per classroom teacher.	792	793	1404	1870	1870, 2100	1847, 2103	1874, 1875, 2068	2189	2189	CH. 211 EX.
587. (ENGROSSED) Representatives Ceccarelli, Berentson, Perry, Chatalas and Leckenby: Providing for creation of West Seattle access development commission.	671, 2085, 2189, 2376	1135, 2223, 671 2242, 2355	1359, 1625	1627	1627, 2356	1360, 2085, 2223, 2242, 2355	2450	2451	CH. 267 EX.	
591. (SUBSTITUTE) Committee on Commerce (originally sponsored by Representatives O'Brien, Warnke, Newhouse, Bausch and Ceccarelli): Authorizing state funding for international trade fairs.	830, 2226	831 1284, 1662	2049, 2072	2072, 2091	2091	2051, 2074	2223	2224	CH. 292 EX. P.V.	
593. (SUBSTITUTE) Committee on Constitution and Elections (originally sponsored by Representatives King, Brown and Charette): Permitting vote by absentee ballot for persons not making their original registration before 30 days prior to an election or primary.	533, 658	534, 666	720							
594. (SUBSTITUTE) Committee on Constitution and Elections (originally sponsored by Representatives King, Brown and Moon): Authorizing punch card ballots to be sent to center at University of Washington for utilization of election statistical data.	754	756								
595. Representatives Gaspard, Pardini, Ceccarelli and Moon: Prohibiting certain practices by camping clubs and prescribing penalties.	830	831	1315	1694	1694	1694	1717	1718	CH. 150 EX.	
603. (ENGROSSED) Representatives Ceccarelli, Warnke, Kalich and Curtis: Permitting young adults to work in class H premises.	1092	1093	1315	1876	1876	1876	2080	2080	CH. 204 EX.	
612. (ENGROSSED) Representatives Gallagher, Deccio and Wojahn: Revising laws relating to accountants.	1201, 2191, 2247, 2381	1668, 1675, 1681, 1204 1404, 2280	1869, 1994	1996	1996, 2280	1669, 1675, 1683, 1870, 2192, 2280	2450	2451	CH. 229 EX.	

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619. (ENGROSSED) Representatives Bagnariol, Perry, Nelson, Wojahn, Moreau, Bond, Peterson, Charnley, Patterson, Clemente and Savage: Mandating availability of materials on abuses of alcohol in public premises where sold or consumed on campuses of institutions of higher education.	687, 1728	689	915	1420, 1505, 1532, 1547	1548	1548	1421, 1506, 1532	1826	1826	CH. 164 EX.
620. (ENGROSSED) Representative Maxie: Authorizing certain supplemental payment survivors option under state universities retirement plans when employee otherwise eligible but died without exercising option.	1316	1316	1408	2065	2065, 2089	2089	2066	2188	2189	CH. 212 EX.
623. (ENGROSSED) Representatives Bagnariol, Sommers and Hendricks: Permitting departmental post-audits at reasonable intervals.	1406	1409	1635	.....	.....	.....	.....	.....	.....	.....
624. (ENGROSSED) Representatives Randall, Pardini and Kilbury: Defining "regular property tax levies" for port district purposes.	1445	1487	.....	.....	.....	.....	.....	.....	.....	.....
627. Representatives McKibbin, Whiteside and Savage: Implementing law relating to certain student transfer within the common schools and state apportionment credit therefor.	792	793	1265	1391	1392	1394	1445	1445	CH. 66 EX.

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675. (ENGROSSED) Representatives Shinpoch, Polk, Bagnariol, Flanagan and North: Regulating the receipt of unanticipated funds.	792, 1306, 2085, 2215		959, 793 1827, 2085	1215	1223	1223, 2086	1307, 2086	2223	2224	CH. 293 EX. P. V.
683. Representatives Ceccarelli, Pardini and Chatalas: Providing new regulations for banks and banking relating to illegal or unsound practices.	1200	1204	2501	.....	.....	.....	.....	.....	.....	.....
687. (ENGROSSED) Representatives Hansen, Flanagan, Bauer, Kilbury and Lysen: Providing for exemption of irrigation equipment from sales and use tax.	1200	1204	1349	.....	.....	.....	.....	.....	.....	.....
693. (SUBSTITUTE) Committee on Local Government (originally sponsored by Representatives North, Berentson, Kalich and Fortson): Requiring advertising public contracts in a newspaper in the part of the county where the work is to be done.	880, 1842, 2131, 2373, 2474		1264, 882 2281, 2373	1422, 1655	1422, 1655	1655, 2373	1422, 1842, 2131, 2281, 2373	2474	2475	CH. 230 EX.
695. Representatives Smith (Rick), Elkenberry, Charette, Newhouse and Hayner: Clarifying filing and service requirements for enforcing liens.	1200, 2358	1204	1874 2248, 2263		2263	2264	2249	2382	2416	CH. 231 EX.
707. (ENGROSSED) Representatives Chatalas and Pardini: Raising license fees and raising maximum amount small loan companies can loan.	1165	1165	1878	2110	2112	2112	.....	2189	2189	Vetoed

720. (ENGROSSED SECOND SUBSTITUTE) Committee on Higher Education (originally sponsored by Representatives Moreau, Becker, Conner, Maxie, Hansey, Nelson, Berentson and Luders): Authorizing state colleges of education to offer degrees through master's degree subject to review by the legislature.	1339	1350	1381	2066	2067	2067	.....	2086	2087	CH. 232 EX.
733. Representatives Chatalas, Brown and Kallich: Authorizing solid waste collection and processing by cities and towns.	830, 1989	831	1050	1509, 1675	1677	1677	1512	2080	2080	CH. 208 EX.
750. Representatives Haussler, Amen, Charette, Newhouse, Wojahn, Lee, Lysen, Ehlers and Zimmerman: Permitting libraries to pay in advance for books.....	754	756	880	1422	1422	1423	.....	1492	1493	CH. 72 EX.
752. Representatives Clemente and Hendricks: Re-affirming permissible expenses school districts may expend preliminary to finalizing of budgets.	1200	1204	1405	1683	1683	1683	.....	1717	1718	CH. 151 EX.
760. (ENGROSSED) Representatives Warnke and Bausch: Permitting deduction of retired allowance for payment of health care.	754	756	1181	1423	1423	1423	.....	1492	1493	CH. 73 EX.
762. (SUBSTITUTE) Committee on Parks and Recreation (originally sponsored by Representatives North and Peterson): Establishing winter recreational parking.	1350, 1956	1351	1408	1671, 1690	1691	1692, 1956	1671, 1956	2087	2087	CH. 209 EX.
763. (ENGROSSED) Representatives Hayner and Knowles: Authorizing juvenile court and department of social and health services to retain jurisdiction over delinquent juvenile until age twenty-one.	1133, 1837	1139	1302	1693	1694	1694	.....	1866	1866	CH. 170 EX.
774. (ENGROSSED) Representative Warnke: Regulating and licensing massage businesses.	1339, 1842, 1990, 2359, 2382	1350	1443, 2261, 2368	1685	1690	1690, 2369	1842, 1863, 2263, 2368	2452	2454	CH. 280 EX. P.V.

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778. (ENGROSSED) Representatives Charnley and Douthwaite: Increasing certain benefits to retirees under teachers' retirement act.	1518	1519
780. (SUBSTITUTE) Committee on Social and Health Services (originally sponsored by Representatives Flischer and Wojahn): Establishing sickle cell disease testing and counseling program in the department of health.	1200	1204	.....	.....	.....	.....	.....	.....	.....	.....
781. Representatives Bagnariol, Gallagher, Newhouse, Thompson, Curtis and Shinpoch: Establishing a state-wide uniform accounting system.	1138	1139	.....	.....	.....	.....	.....	.....	.....	.....
788. (ENGROSSED SUBSTITUTE) Committee on Social and Health Services (originally sponsored by Representatives Adams, Haley, Hanna, Becker, Newhouse, Hendricks, Tilly, Whiteside, Bauer, Jastad, May, Parker, Cochrane, Fischer, Paris and Greengo): Prescribing changes in provisions relating to physicians and surgeons.	880	882	1253	1683	1684	1685	.....	1837	1838	CH. 171 EX.
796. Representatives Thompson and Hayner: Providing for transfer of rental deposit with change of landlords.	1200, 1845, 2135	1205	1382	1507	1509	1509, 2136	1845, 2135	2223	2224	CH. 233 EX.

798. (ENGROSSED) Representatives Kuehnle, Savage and Jueling: Allowing supervisor of industrial insurance to authorize continuing medication necessary to alleviate pain from industrial injuries.	1316	1316	1405	2256	2256	2257	.....	2276	2277	CH. 234 EX.
802. (ENGROSSED) Representatives Shlnpoch, Polk, Thompson and Wojahn: Providing uniformity in payment of travel expenses for most state officials and employees.	792	793	.....	.....	.....	.....	.....	.....	.....	.....
806. Representatives Randall and Gaines: Prescribing a change in assessing inspection fees for winter sports activity conveyances.	1138	1139	1199	1502	1502	1502	.....	1551	1629	CH. 74 EX.
818. (ENGROSSED SUBSTITUTE) Committee on Transportation and Utilities (originally sponsored by Representatives Thompson, Berentson and Conner): Providing regulations on removal of motor vehicles from private property.	1200, 2287	1205	2225	2237, 2252	2254	2255	2238	2369	2370	CH. 281 EX. P.V.
821. (ENGROSSED SUBSTITUTE) Committee on Parks and Recreation (originally sponsored by Representatives Lee, Douthwaite, Hurley (Margaret), Maxie, Brown, Bender, Sherman, Charnley and Cochrane): Authorizing hostels.	880	882	959	.....	.....	.....	.....	.....	.....	.....
825. (ENGROSSED) Representatives Bauer, McKibbin and Blair: Changing amount authorized as deferred compensation for school employees.	1200	1205	1405	2049	2049	2049	.....	2086	2087	CH. 205 EX.
827. (ENGROSSED SECOND SUBSTITUTE) Committee on Constitution and Elections (originally sponsored by Representatives King, Lysen, Brown, Knowles, Erickson and Chandler): Providing changes in public disclosure provisions.	1339, 2241, 2470, 2474	1441, 1350 2417, 2470	2139	2188	2188, 2470	2098, 2241, 2436, 2470	2500	2500	.....	CH. 294 EX. P.V.
840. (ENGROSSED) Representative Randall: Relating to revenue and taxation.	1445	1487

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845. (ENGROSSED SUBSTITUTE) Committee on Ways and Means (originally sponsored by Representative Kilbury): Relating to animal diagnostic laboratories.	1518	1519								
860. (SUBSTITUTE) Committee on Transportation and Utilities (originally sponsored by Representatives Perry and Patterson): Relating to transportation studies.	1866, 2287	1874	1936	2249	2250	2250		2382	2416	CH. 268 EX.
861. (ENGROSSED) Representatives Bagnariol and Shinpoch: Relating to appropriations.	708, 1167	710	1129	1130	1131	1131		1167	1187	CH. 16 EX. P.V.
862. (ENGROSSED SUBSTITUTE) Committee on Ways and Means (originally sponsored by Representatives Bagnariol and Shinpoch): Adopting a budget for the superintendent of public instruction.	1041	1042								
863. (ENGROSSED SUBSTITUTE) Committee on Ways and Means (originally sponsored by Representatives Bagnariol and Shinpoch): Adopting the budget for the department of social and health services.	1041	1042								
864. (ENGROSSED SUBSTITUTE) Committee on Ways and Means (originally sponsored by Representatives Bagnariol and Shinpoch): Adopting a budget for the institutions of higher education.	1041	1042								

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970. (SUBSTITUTE) Committee on Ecology (originally sponsored by Representative Douthwaite): Regulating water rights.	792	793	1115
971. (ENGROSSED) Representatives Randall, Pardini, Sommers and Newhouse: Pertaining to taxation of leasehold interests.	1182	1182	.....	.....	.....	.....	.....	.....	.....	.....
972. (ENGROSSED SUBSTITUTE) Committee on Ways and Means (originally sponsored by Representatives Adams, Pardini and Hanna): Authorizing bonds for social and health service facilities.	1350, 1667, 2371, 2463	1443, 1351 2354, 2371	1482	1482	1482, 2372	1666, 2354	2474	2500	CH. 258 EX.	
975. (SUBSTITUTE) Committee on Education (originally sponsored by Representative McKibbin): Requiring notice of nonrenewal of teacher's supplemental contract.	1200	1205	1382	2061	2063	2063	.....	.....	.....	.....
938. (ENGROSSED) Representatives Thompson and Pardini: Providing for presidential primaries.	880, 1866	882 959, 1250	1109, 1169, 1178, 1250, 1271	1176, 1271	1272	1113	1872	2069	Vetoed	
1007. (ENGROSSED SECOND SUBSTITUTE) Committee on Ways and Means (originally sponsored by Representatives Bagnariol, Thompson, Shinpoch, Zimmerman and Eng): Setting salaries for elected public officials.	1384, 2287	1405	1727 2230, 2239	2239	2239	2235	2369	2370	CH. 263 EX.	

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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
1178. (SUBSTITUTE) Committee on State Government (originally sponsored by Representative Sommers): Establishing a central payroll system for state agencies.	1518, 2129	1519	1551	2067	2067	2067	.....	2189	2189	CH. 239 EX.
1204. (ENGROSSED SUBSTITUTE) Committee on Agriculture (originally sponsored by Representatives Becker, Kilbury, Zimmerman and Tilly): Relating to artificial honey products. ...	1201, 2087	1205	1349	1672, 1866	1672, 1867	1867	1674, 1866	2130	2131	CH. 283 EX. P.V.

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 of the House	Signed by President of the Senate
1. Representatives Tilly, North, Hayner and Bond: Requesting Congress to return Memorial Day and Veterans' Day to their traditional dates.	461	464	546	566	566	566	.....	576	577
2. Representatives Patterson, Perry, Hansen, Martinis, Gilleland, McCormick, Berentson, Charnley, Bender, Chandler, Conner, Leckenby, Dunlap, Barnes, Sherman, Gallagher, Wilson, Douthwaite, Schumaker, Seeberger, Chatalas, Laughlin and McKibbin: Requesting the federal government return to the states at least fifty percent of increased revenues from new energy conservation taxes.	275, 671	276, 671	308, 708	.....	.....	.....	.....	.....	.....
4. Representatives Bond, Perry, Haussler, McCormick, Berentson, Newhouse, Zimmerman, Luders, Dunlap, Peterson, Tilly, Barnes, Amen, Brown, Hendricks, Haley, Wilson, Whiteside, Kuehnle, Hayner, Pardini, Flanagan, Paris, Curtis, Patterson, Charnley and Matthews: Memorializing the President and the Governors of the several western states to meet in conference at Olympia for the purpose of seeking remedies for the problem of natural gas supplies.	461, 671	464, 672	708	2047	2047	2047	.....	2086	2087

TITLE AND HISTORY OF HOUSE JOINT MEMORIALS 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
6. Representatives Kilbury, Boldt, Wojahn, Charnley, Cochrane, Douthwaite, Perry, Fortson, North, Maxie, Valle, Bausch, Becker, Sherman, Williams, Hawkins, Moreau, Hanna, Thompson, Hurley (George), Lee, Brown, Laughlin, Moon, Sommers, Erickson, Smith (Rick), Bauer, Ceccarelli, Knowles, King, Bagnariol, Savage, Eng, Warnke, Shimpoch, Chatalas, Seeberger, McKibbin, Randall, Blair and Kalich: Memorializing Governors and legislatures of the states that have not ratified the equal rights amendment.	533, 671	534, 672	.....	.....	.....	.....	.....	.....	.....
7. Representatives North, Fortson, Savage, McCormick, Martinis, Kalich, Ehlers, Williams, Becker, Kilbury, Hurley, Charnley, Randall, Hawkins, Boldt, Moreau, Erickson, Seeberger, McKibbin, Gaines, Sherman, Smith (Rick), Chatalas, Cochrane and Gallagher: Requesting Congress continue hot lunch program for elderly.	435	436	461	461, 474	474	475	461	530	530
8. Representatives Cochrane, Charnley, Wojahn, O'Brien, Chatalas, Knowles, Maxie, Sherman, Hansen, North, Kilbury, Valle, Douthwaite, Williams, Hawkins, Hanna, Parker, Adams, King, Lysen, Moreau, Bender, Moon, Bauer, Clemente, Boldt, Savage and Gallagher: Requesting Congress and the administration reduce prices of food stamps.	275	276	461	461, 475	475	475	.....	530	530

9. Representatives Perry, Kilbury, Hansen, Patterson, Fortson, Fischer, Smith (Edward), Tilly, Bender, Clemente, Charnley, Hurley (George), Warnke, Luders, Knowles, Chatalas, North, Seeberger, Boldt, Moreau, Amen, Curtis and Laughlin: Memorializing Congress to give priority to completing the Columbia Basin project.	310, 671	315, 672	481	.....	.....	.....	.....	.....	.....
13. Representatives Lysen, Gaines, Clemente and Valle: Requesting the President and Congress terminate the airline mutual aid agreement.	792	793	1181	.....	.....	.....	.....	.....	.....
15. Representatives Bagnariol, Flanagan and Shimpoch: Petitioning the President and the Director of the Office of Management and Budget to provide fiscal data to state legislatures on a systematic basis.	481, 671	482, 672	762	1425	1425	1425	.....	1492	1493
16. Representatives Bagnariol, Flanagan and Shimpoch: Petitioning Congress to establish a clearing house for federal budget information necessary for formulation of state budgets.	481, 671	482, 672	762	1425	1425	1426	.....	1492	1493
17. Representatives Bagnariol, Flanagan and Shimpoch: Petitioning the President to assist in the establishment of continuing working relationships between state legislatures and federal departments and agencies.	481, 671	483, 672	762	1426	1426	1426	.....	1492	1493
18. Representatives Kalich, Jastad, Thompson, Paris, Charette and Smith (Edward): Requesting that the post office at Deep River not be closed.	754	756	1050	1426	1426	1427	.....	1492	1493
19. Representatives Fortson, Perry, Hansey, North, Hansen, Martinis and Ceccarelli: Memorializing the President and Congress not to change the line of demarcation for inland waters.	1201	1205	1349	.....	.....	.....	.....	.....	.....
24. Representatives Tilly, Whiteside, Chandler, Kilbury and Newhouse: Requesting that the apple blossom be designated the national flower.	1350	1351	1487	2068	2068, 2088	2089	.....	2188	2189
26. (SUBSTITUTE) Committee on Agriculture (originally sponsored by Representatives Becker, Kilbury, Berentson and Moreau): Memorializing Congress to permit children under twelve to harvest crops.	1716	1729	1936	.....	.....	.....	.....	.....	.....

TITLE AND HISTORY OF HOUSE JOINT 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 on Final Passage	Other Action in Senate	Signed by Speaker of the House	Signed by President of the Senate
5. Representatives King and Hayner (by Committee on Constitution and Elections of the forty-third Legislature request): Amending the Constitution to change the amendment process thereof.	140, 671	144, 672	.....	.....	.....	.....	.....	.....	.....
19. Representatives O'Brien, King, Pardini, Bagnariol, Flanagan, Chandler, Knowles, Kuenhle, McCormick, Freeman, Parker, Paris, Perry, Lysen, Zimmerman, Berentson, Wojahn, May, Gallagher, Matthews, Peterson, Chatalas, Kalich, Bond, Whiteside, Barnes, Leckenby, North, Ceccarelli, Becker, Seeberger, Maxie, Hurley (George), Bauer, Thompson, Hurley (Margaret), Bausch, Curtis, Kraabel, Hayner, Eng, Gilleland, Schumaker, Kilbury, Smith (Edward) and Warnke (by Executive request): Proposing constitutional amendment allowing legislature to provide assistance to all private and public school students.	310	315	381	539	540	540	.....	557	558

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 on Final Passage	Other Action in Senate	Signed by Speaker of the House	Signed by President of the Senate
1. Representative Charette: Notifying the Governor that the legislature is organized.	10	10	.....	10	10	10	10	11	11
2. Representative Charette: Receiving state of the state message from Governor Evans.	10	11	.....	11	11	11	.....	11	11
5. Representative Charette: Joint session to receive Governor's message on energy and agricultural conservation...	104	112	.....	112	112	112	.....	114	114
7. Representatives Hanna, Randall, Hawkins, Smith (Rick), Bender, Haley, Peterson, Adams, Gaspard, Conner, Moreau, Charette, Fortson, North, Thompson, McCormick, Haussler, Paris, Eng, Maxie, Chatalas and Gaines: Directing department of social and health services to drop matching fund requirements for financing of care facilities.	2358	2475	.....	.....	.....	.....	.....	.....	.....
8. Representative Charette: Memorial services for deceased former members of the Senate and House of Representatives.	238	242	.....	242	242	242	266	266	266
21. Representative Charette: Notifying Governor that the legislature is organized.	633	633	.....	633, 634	634	634	634	634	635
22. Representatives Hansey and Berentson: Proposing coordinated traffic safety efforts.	1201	1205	1665	.....	.....	.....	.....	.....	.....
28. Representative Charette: Joint session to receive a message from the Governor.	1005	1005	.....	1005	1005	1006	1030	1019	1019